A

COLLECTION

OF THE

LATE STATUTES

PASSED FOR

THE ADMINISTRATION

OF

Criminal Justice in England.

SUTTNELL AND SHEARMAN,
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A

COLLECTION

OF THE

LATE STATUTES,

PASSED FOR

THE ADMINISTRATION

OF

Criminal Justice in England;

COMPRISING

7 GEO. IV., CAP. 64;
7 & 8 GEO. IV., CAP. 18, 27, 28, 29, 30 & 31;

WITH

NOTES AND A COPIOUS INDEX.

BY JOHN TIDD PRATT, ESQ.
OF THE INNER TEMPLE, BARRISTER AT LAW.

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1827.

ADVERTISEMENT.

THE Editor has carefully compared the following pages with the different Statutes; and added an INDEX, *which he has endeavoured to make, and trusts will be found useful to all persons concerned in the administration of the* Criminal Laws.

4, Elm Court, Temple,
July, 1827.

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AN ACT

For improving the Administration of Criminal Justice in England.

[26 May, 1826.]

WHEREAS it is expedient to define under what circumstances persons may be admitted to bail in cases of felony, and to make better provision for taking examinations, informations, bailments, and recognizances, and returning the same to the proper tribunals: And whereas the technical strictness of criminal proceedings might in many instances be relaxed, so as to ensure the punishment of the guilty, without depriving the accused of any just means of defence; and the administration of justice in that part of the United Kingdom called England might in other respects be rendered more effectual: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That where any person shall be taken on a charge of felony or suspicion of felony, before one or more justice or justices of the peace, and the charge shall be supported by positive and credible evidence of the fact, or by such evidence as, if not explained or contradicted, shall, in the opinion of the justice or justices, raise a strong pre-

Who may be admitted to bail on a charge of felony, and who may not. (3 Ed. 1. c. 15. 23 H. 6. c. 9.)

sumption of the guilt of the person charged, such person shall be committed to prison by such justice or justices, in the manner hereinafter mentioned; but if there shall be only one justice present, and the whole evidence given before him shall be such as neither to raise a strong presumption of guilt nor to warrant the dismissal of the charge, such justice shall order the person charged to be detained in custody until he or she shall be taken before two justices at the least; and where any person so taken, or any person in the first instance taken before two justices of the peace, shall be charged with felony or on suspicion of felony, and the evidence given in support of the charge shall, in their opinion, not be such as to raise a strong presumption of the guilt of the person charged, and to require his or her committal, or such evidence shall be adduced on behalf of the person charged as shall in their opinion weaken the presumption of his or her guilt, but there shall notwithstanding appear to them, in either of such cases, to be sufficient ground for judicial enquiry into his or her guilt, the person charged shall be admitted to bail by such two justices, in the manner herein-after mentioned: Provided always, That nothing herein contained shall be construed to require any such justice or justices to hear evidence on behalf of any person so charged as aforesaid, unless it shall appear to him or them to be meet and conducive to the ends of justice to hear the same.

Justice not obliged to hear evidence on behalf of person charged.

II. And whereas it is expedient to amend and extend the provisions of two acts, the first passed in the first and second years of the

reign of king Philip and queen Mary, intituled "An Act appointing an order to Justices of "Peace for the Bailment of Prisoners," and the second passed in the second and third years of the same reign, intituled "An Act to take "examination of Prisoners suspected of Man-"slaughter or Felony;" be it therefore enacted, That the two justices of the Peace, before they shall admit to bail, and the justice or justices, before he or they shall commit to prison, any person arrested for felony or on suspicion of felony, shall take the examination of such person, and the information upon oath of those who shall know the facts and circumstances of the case, and shall put the same, or as much thereof as shall be material, into writing; and the two justices shall certify such bailment in writing; and every such justice shall have authority to bind by recognizance all such persons as know or declare any thing material touching any such felony or suspicion of felony, to appear at the next court of oyer and terminer, or goal delivery, or superior criminal court of a county palatine, or great sessions or sessions of the peace, at which the trial thereof is intended to be, then and there to prosecute or give evidence against the party accused; and such justices and justice respectively shall subscribe all such examinations, informations, bailments, and recognizances, and deliver or cause the same to be delivered to the proper officer of the court in which the trial is to be, before or at the opening of the court.

1 & 2 P. & M. c. 13.

2 & 3 P. & M. c. 10.

Before any person charged with felony, &c. shall be bailed or committed, the justices shall take down in writing the examination, &c. and bind witnesses to appear at the trial.

Examinations, &c. to be delivered to the Court.

III. And be it further enacted, That every justice of the peace before whom any person shall be taken on a charge of misdemeanor,

Duty of justice on charges of misdemeanor.

or suspicion thereof, shall take the examination of the person charged, and the information upon oath of those who shall know the facts and circumstances of the case, and shall put the same, or as much thereof as shall be material, into writing, before he shall commit to prison or require bail from the person so charged; and in every case of bailment shall certify the bailment in writing; and shall have authority to bind all persons by recognizance to appear to prosecute or give evidence against the party accused, in like manner as in cases of felony; and shall subscribe all examinations, informations, bailments, and recognizances, deliver or cause to be delivered to the proper officer of the court in which the trial is to be, before or at the opening of the court, in like manner as in cases of felony.

Power to bind persons by recognizance to prosecute, &c.

Examinations, &c., to be delivered to the Court.

Duty of coroner. (1 & 2 P. & M. c. 13. s. 5.)

IV. And be it further enacted, That every coroner, upon any inquisition before him taken, whereby any person shall be indicted for manslaughter or murder, or as an accessory to murder before the fact, shall put in writing the evidence given to the jury before him, or as much thereof as shall be material; and shall have authority to bind by recognizance all such persons as know or declare any thing material touching the said manslaughter or murder, or the said offence of being accessory to murder, to appear at the next court of oyer and terminer, or gaol delivery, or superior criminal court of a county palatine, or great sessions, at which the trial is to be, then and there to prosecute or give evidence against the party charged, and every such coroner shall certify and subscribe the same evidence, and all such recognizances, and

Power to bind parties to appear and give evidence.

also the inquisition before him taken, and shall deliver the same to the proper officer of the court in which the trial is to be, before or at the opening of the court.

To deliver evidence, &c. to officer of court.

V. And be it further enacted, That if any justice or coroner shall offend in any thing contrary to the true intent and meaning of these provisions, the court to whose officer any such examination, information, evidence, bailment, recognizance, or inquisition ought to have been delivered, shall, upon examination and proof of the offence in a summary manner, set such fine upon every such justice or coroner as the court shall think meet.

Penalty on justices & coroners. (1 & 2 P. & M. c. 13. s. 5.)

VI. And be it further enacted, That all these provisions relating to justices and coroners shall apply to the justices and coroners not only of counties at large, but also of all other jurisdictions.

Provisions to apply to all justices and coroners. (1 & 2 P. & M. c. 13. s. 6.)

VII. And whereas divers statutes, taking away the benefit of clergy, or creating felonies without benefit of clergy, have omitted to take away the benefit of clergy under certain circumstances consequent upon the indictment of the offender: and whereas a partial remedy for such defects was supplied by an Act passed in the third year of the reign of king William and queen Mary, intituled "An "Act to take away Clergy from some Offend-"ers, and to bring other to Punishment," whereby it was enacted, that if any person should be indicted of any offence for which, by virtue of any former statute, such person was excluded from the benefit of clergy, if convicted by verdict or confession, such person should not be admitted to the benefit of clergy under any of the circumstances

3 W. & M. c. 9. s. 2.

therein enumerated: And whereas it is expedient to extend the like remedy to all offences which now are or hereafter shall be excluded from the benefit of clergy; be it therefore enacted, That if any person shall be indicted of any offence for which, by virtue of this or of any other statute or statutes made or to be made, the offender is or shall be excluded from the benefit of clergy, such person shall be equally excluded from the benefit of clergy, whether he or she shall be convicted by verdict or by confession, or shall upon arraignment stand mute of malice, or will not answer directly to the charge, or shall challenge peremptorily above the number of twenty persons returned to be of the jury, or shall be outlawed upon such indictment, although the statute or statutes taking away the benefit of clergy in any such case may not expressly provide that the offender shall be excluded from the benefit of clergy in case such offender shall confess, or stand mute, or not answer directly, or challenge* peremptorily above the number of twenty persons returned to be of the jury, or be outlawed; and every thing herein contained shall extend as well to all accessories as to principals.

Felonies without benefit of clergy provided for under all circumstances consequent on the indictment. (3 W. & M. c. 9. s. 2. 12 G. 3. c. 20.)

VIII. And, with regard to clergyable felonies, be it enacted, That if any person shall be indicted of any felony for which the offender is or shall be entitled to the benefit of clergy, and such person shall on arraignment confess the felony, or stand mute of malice, or will not answer directly to the charge, or shall challenge peremptorily above the number of

Felonies within benefit of clergy provided for under all circumstances consequent on the indictment. (12 G. 3. c. 20.)

* See 7 and 8 G. 4. c. 28. s. 2—6, post, p. 62, 63, by which such a challenge is declared to be void.

twenty persons returned to be of the jury, or shall be outlawed upon such indictment, in every such case such person shall be deemed and taken to be convicted of the felony, and the court shall award such judgment as if such person had been convicted by verdict; and every thing herein contained shall extend as well to all accessories as to principals.

Accessory before the fact may be tried as such, or as a substantive felon, by any court which has jurisdiction to try the principal felon, although the offence be committed on the seas or abroad. (43 G. 3. c. 113. s. 5.)

IX. And, for the more effectual prosecution of accessories before the fact to felony, be it enacted, That if any person shall counsel, procure, or command any other person to commit any felony, whether the same be a felony at common law, or by virtue of any statute or statutes made or to be made, the person so counselling, procuring, or commanding, shall be deemed guilty of felony, and may be indicted and convicted, either as an accessory before the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may be punished in the same manner as an accessory before the fact to the same felony, if convicted as an accessory, may be punished; and the offence of the person so counselling, procuring, or commanding, howsoever indicted, may be inquired of, tried, determined, and punished by any court which shall have jurisdiction to try the principal felon, in the same manner as if such offence had been committed at the same place as the principal felony, although such offence may have been committed either on the high seas or at any place on land, whether within

If the offences be committed in different counties, accessory may be tried in either

(2 & 3 Ed. 6. c. 24. s. 4. 43 G. 3. c. 113. s. 5.)

His Majesty's dominions or without; and that in case the principal felony shall have been committed within the body of any county, and the offence of counselling, procuring, or commanding shall have been committed within the body of any other county, the last-mentioned offence may be inquired of, tried, determined, and punished in either of such counties: Provided always, That no person who shall be once duly tried for any such offence, whether as an accessory before the fact or as for a substantive felony, shall be liable to be again indicted or tried for the same offence.

Accessory after the fact may be tried by any Court which has jurisdiction to try the principal felon.

X. And for the more effectual prosecution of accessories after the fact to felony, be it enacted, That if any person shall become an accessory after the fact to any felony, whether the same be a felony at common law, or by virtue of any statute or statutes made or to be made, the offence of such person may be inquired of, tried, determined, and punished by any court which shall have jurisdiction to try the principal felon, in the same manner as if the act, by reason whereof such person shall have become an accessory, had been committed at the same place as the principal felony, although such act may have been committed either on the high seas or at any place on land, whether within His Majesty's dominions or without; and that in case the principal felony shall have been committed within the body of any county, and the act by reason whereof any person shall have become accessory, shall have been committed within the body of any other county, the offence of such accessory may be inquired of, tried, de-

If the offences be committed in different counties, accessory may be tried in either. (2 & 3 Ed. 6. c. 34. s. 4.)

termined, and punished in either of such counties: Provided always, That no person who shall be once duly tried for any offence of being an accessory, shall be liable to be again indicted or tried for the same offence.

Accessory may be prosecuted after conviction of the principal, though the principal be not attainted, &c. (1 Anne, st. 2. c. 9. s. 1.)

XI. And, in order that all accessories may be convicted and punished in cases where the principal felon is not attainted, be it enacted, That if any principal offender shall be in anywise convicted of any felony, it shall be lawful to proceed against any accessory, either before or after the fact, in the same manner as if such principal felon had been attainted thereof, notwithstanding such principal felon shall die or be admitted to the benefit of clergy, or pardoned, or otherwise delivered before attainder; and every such accessory shall suffer the same punishment, if he or she be in anywise convicted, as he or she should have suffered if the principal had been attainted.

Offences committed on the boundaries of counties may be tried in either county. (59 G. 3. c. 96. s. 2.)

XII. And, for the more effectual prosecution of offences committed near the boundaries of counties, or partly in one county and partly in another, be it enacted, That where any felony or misdemeanor shall be committed on the boundary or boundaries of two or more counties, or within the distance of five hundred yards of any such boundary or boundaries, or shall be begun in one county and completed in another, every such felony or misdemeanor may be dealt with, inquired of, tried, determined, and punished in any of the said counties, in the same manner as if it had been actually and wholly committed therein.

Offences committed during a journey or

XIII. And for the more effectual prosecution of offences committed during journies

voyage may be tried in any county through which the coach, &c. passed. (59 G. 3. c. 27. and c. 96.)

from place to place, be it enacted, That where any felony or misdemeanor shall be committed on any person or on or in respect of any property in or upon any coach, waggon, cart, or other carriage whatever employed in any journey, or shall be committed on any person or on or in respect of any property on board any vessel whatever employed on any voyage or journey upon any navigable river, canal, or inland navigation, such felony or misdemeanor may be dealt with, inquired of, tried, determined, and punished in any county through any part whereof such coach, waggon, cart, carriage, or vessel shall have passed in the course of the journey or voyage during which such felony or misdemeanor shall have been committed, in the same manner as if it had been actually committed, in such county;

When side, &c., of highway constitute boundary, offender may be tried in either county.

and in all cases where the side, centre, or other part of any highway, or the side, bank, centre, or other part of any such river, canal, or navigation, shall constitute the boundary of any two counties, such felony or misdemeanor may be dealt with, inquired of, tried, determined, and punished in either of the said counties, through or adjoining to or by the boundary of any part whereof such coach, waggon, cart, carriage, or vessel shall have passed, in the course of the journey or voyage during which such felony or misdemeanor shall have been committed, in the same manner as if it had been actually committed in such county.

In indictments for offences committed on the property of partners, it may be laid in any one partner by name, and others.

XIV. And in order to remove the difficulty of stating the names of all the owners of property in the case of partners and other joint owners, be it enacted, That in any indictment or information for any felony or misdemeanor,

wherein it shall be requisite to state the ownership of any property whatsoever, whether real or personal, which shall belong to or be in the possession of more than one person, whether such persons be partners in trade, joint tenants, parceners or tenants in common, it shall be sufficient to name one of such persons, and to state such property to belong to the person so named and another or others, as the case may be; and whenever, in any indictment or information for any felony or misdemeanor, it shall be necessary to mention, for any purpose whatsoever, any partners, joint tenants, parceners, or tenants in common, it shall be sufficient to describe them in the manner aforesaid; and this provision shall be construed to extend to all joint stock companies and trustees.

(56 G. 3. c. 73. 1 G. 4. c. 102. 6. G. 4. c. 56.)

Property belonging to counties, &c. may be laid in the inhabitants of the county. (43 G. 3. c. 59. s. 3.)

XV. And, with respect to the property of counties, ridings, and divisions, be it enacted, That in any indictment or information for any felony or misdemeanor committed in, upon, or with respect to any bridge, court, gaol, house of correction, infirmary, asylum, or other building, erected or maintained in whole or in part at the expence of any county, riding, or division, or on or with respect to any goods or chattels whatsoever provided for or at the expence of any county, riding or division to be used for making, altering, or repairing any bridge, or any highway at the ends thereof, or any court or other such building as aforesaid, or to be used in or with any such Court or other building, it shall be sufficient to state any such property, real or personal, to belong to the inhabitants of such county, riding, or division;

and it shall not be necessary to specify the names of any of such inhabitants.

Property ordered for the use of the poor of parishes, &c. may be laid in the overseers. (55 G. 3. c. 137. s. 1.)

XVI. And, with respect to the property of parishes, townships, and hamlets, be it enacted, That in any indictment or information for any felony or misdemeanor committed in, upon, or with respect to any workhouse or poorhouse, or on or with respect to any goods or chattels whatsoever, provided for the use of the poor of any parish or parishes, township or townships, hamlet or hamlets, place or places, or to be used in any workhouse or poorhouse in or belonging to the same, or by the master or mistress of such workhouse or poorhouse, or by any workmen or servants employed therein, it shall be sufficient to state any such property to belong to the overseers of the poor for the time being of such parish or parishes, township or townships, hamlet or hamlets, place or places, and it shall not be necessary to specify the names of all or any of such overseers; and in any indictment or information for any felony or misdemeanor committed on or with respect to any materials, tools, or implements provided for making, alterating, or repairing any highway within any parish, township, hamlet, or place, otherwise than by the trustees or commissioners of any turnpike road, it shall be sufficient to aver that any such things are the property of the surveyor or surveyors of the highways for the time being of such parish, township, hamlet, or place, and it shall not be necessary to specify the name or names of any such surveyor or surveyors.

Materials, &c. for repairing highways may be laid to be the property of the surveyor of highways.

Property of turnpike trustees may be laid in the trustees. (3 G. 4. c. 126. s. 60.)

XVII. And, with respect to property under turnpike trusts, be it enacted, That in any in-

dictment or information for any felony or misdemeanor committed on or with respect to any house, building, gate, machine, lamp, board, stone, post, fence, or other thing, erected or provided in pursuance of any Act of Parliament for making any turnpike road, or any of the conveniences or appurtenances thereunto respectively belonging, or any materials, tools, or implements provided for making, altering, or repairing any such road, it shall be sufficient to state any such property to belong to the trustees or commissioners of such road, and it shall not be necessary to specify the names of any such trustees or commissioners.

In indictments for offences committed on sewers, the property may be laid in the commissioners.

XVIII. And, with respect to property under commissioners of sewers, be it enacted, That in any indictment or information for any felony or misdemeanor committed on or with respect to any sewer or other matter within or under the view, cognizance, or management of any commissioners of sewers, it shall be sufficient to state any such property to belong to the commissioners of sewers within or under whose view, cognizance, or management any such things shall be, and it shall not be necessary to specify the names of any of such commissioners.

Indictment not to abate by dilatory plea of misnomer, or of want of addition, &c.

XIX. And for preventing abuses from dilatory pleas, be it enacted, That no indictment or information shall be abated by reason of any dilatory plea of misnomer or of want of addition, or of wrong addition of the party offering such plea, if the court shall be satisfied by affidavit or otherwise of the truth of such plea; but in such case the court shall forthwith cause the indictment or information to be amended according to the truth, and

shall call upon such party to plead thereto, and shall proceed as if no such dilatory plea had been pleaded.

What defects shall not vitiate an indictment after verdict or otherwise.

XX. And that the punishment of offenders may be less frequently intercepted in consequence of technical niceties, be it enacted, That no judgment upon any indictment or information for any felony or misdemeanor, whether after verdict or outlawry, or by confession, default, or otherwise, shall be stayed or reversed for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears by the record," or of the words "with force and arms," or of the words "against the peace," nor for the insertion of the words "against the form of the statute," instead of the words "against the form of the statutes," or *vice versâ*, nor for that any person or persons mentioned in the indictment or information is, or are designated by a name of office or other descriptive appellation instead of his, her, or their proper name or names, nor for omitting to state the time at which the offence was committed, in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the indictment or exhibiting the information, or on an impossible day, or on a day that never happened, nor for want of a proper or perfect venue, where the court shall appear by the indictment or information to have had jurisdiction over the offence.

What shall not be sufficient to stay or reverse judgment after the verdict.

XXI. And be it further enacted, That no judgment after verdict upon any indictment or information for any felony or misdemeanor

shall be stayed or reversed for want of a similiter, nor by reason that the jury process has been awarded to a wrong officer upon an insufficient suggestion, nor for any misnomer or misdescription of the officer returning such process, or of any of the jurors, nor because any person has served upon the jury who has not been returned as a juror by the sheriff or other officer; and that where the offence charged has been created by any statute, or subjected to a greater degree of punishment, or excluded from the benefit of clergy by any statute, the indictment or information shall after verdict be held sufficient to warrant the punishment prescribed by the statute if it describe the offence in the words of the statute.

Courts may order payment of the expences of prosecutions in all cases of felony. (58 G. 3. c. 70. s. 4.)

XXII. And, with regard to the payment of the expences of prosecutions for felony, be it enacted, That the court before which any person shall be prosecuted or tried for any felony is hereby authorized and empowered, at the request of the prosecutor or of any other person, who shall appear on recognizance or subpœna to prosecute or give evidence against any person accused of any felony, to order payment unto the prosecutor of the costs and expences which such prosecutor shall incur in preferring the indictment, and also payment to the prosecutor and witnesses for the prosecution, of such sums of money as to the court shall seem reasonable and sufficient to reimburse such prosecutor and witnesses for the expences they shall have severally incurred in attending before the examining magistrate or magistrates and the grand jury, and in otherwise carrying on such prosecution, and also to compensate them for their

Allowance to persons attending on recognizance, where no bill is preferred. (18 G. 3. c. 19. s. 8.)

trouble and loss of time therein; and, although no bill of indictment be preferred, it shall still be lawful for the court, where any person shall, in the opinion of the court, *bonâ fide* have attended the court in obedience to any such recognizance or subpœna, to order payment unto such person of such sum of money as to the court shall seem reasonable and sufficient to reimburse such person for the expences which he or she shall have *bonâ fide* incurred by reason of attending before the examining magistrate or magistrates, and by reason of such recognizance or subpœna, and also to compensate such person for trouble and loss of time; and the amount of the expences of attending before the examining magistrate or magistrates, and the compensation for trouble and loss of time therein, shall be ascertained by the certificate of such magistrate or magistrates, granted before the trial or attendance in court, if such magistrate or magistrates, shall think fit to grant the same; and the amount of all the other expences, and compensation, shall be ascertained by the proper officer of the court, subject nevertheless to the regulations to be established in the manner herein-after mentioned.

Amount of expences of attending before magistrate, &c., to be ascertained by certificate of magistrate.

Courts may order payment of the expences of prosecution in certain cases of misdemeanor.

XXIII. And whereas for want of power in the court to order payment of the expences of any prosecution for a misdemeanor, many individuals are deterred by the expence from prosecuting persons guilty of misdemeanors, who thereby escape the punishment due to their offences; for remedy thereof, be it enacted, That where any prosecutor or other person shall appear before any court on re-

cognizance or subpœna, to prosecute or give evidence against any person indicted of any assault with intent to commit felony, of any attempt to commit felony, of any riot, of any misdemeanor for receiving any stolen property knowing the same to have been stolen, of any assault upon a peace officer in the execution of his duty, or upon any person acting in aid of such officer, of any neglect or breach of duty as a peace officer, of any assault committed in pursuance of any conspiracy to raise the rate of wages, of knowingly and designedly obtaining any property by false pretences, of wilful and indecent exposure of the person, of wilful and corrupt perjury, or of subornation of perjury, every such court is hereby authorized and empowered to order payment of the costs and expences of the prosecutor and witnesses for the prosecution, together with a compensation for their trouble and loss of time, in the same manner as courts are herein-before authorized and empowered to order the same in cases of felony; and, although no bill of indictment be preferred, it shall still be lawful for the court where any person shall have *bonâ fide* attended the court, in obedience to any such recognizance, to order payment of the expences of such person, together with a compensation for his or her trouble and loss of time, in the same manner as in cases of felony; provided, that in cases of misdemeanor the power of ordering the payment of expences and compensation shall not extend to the attendance before the examining magistrate.

Allowance to persons attending on recognizances when no bill is preferred.

XXIV. And be it further enacted, That every order for payment to any prosecutor or

Order for payment to be made out by clerk

of assize, &c., and paid by county treasurer. (58 G. 3. c. 70. s. 6. 18 G. 3. c. 19. s. 8.)

other person as aforesaid shall be forthwith made out and delivered by the proper officer of the court unto such prosecutor or other person, upon being paid for the same the sum of one shilling for the prosecutor, and sixpence for each other person, and no more; and, except in the cases hereinafter provided for, shall be made upon the treasurer of the county, riding, or division, in which the offence shall have been committed, or shall be supposed to have been committed, who is hereby authorized and required, upon sight of every such order, forthwith to pay to the person named therein, or to any one duly authorised to receive the same on his or her behalf, the money in such order mentioned, and shall be allowed the same in his accounts.

How the expenses shall be paid in places not contributing to the county rate. (58 G. 3. c. 70. s. 9 & 10.)

XXV. And whereas felonies and such misdemeanors as are herein-before enumerated may be committed in liberties, franchises, cities, towns, and places which do not contribute to the payment of any county rate, some of which raise a rate in the nature of a county rate, and others have neither any such rate, nor any fund applicable to similar purposes, and it is just that such liberties, franchises, cities, towns, and places should be charged with all costs, expences, and compensations ordered by virtue of this Act, in respect of felonies and such misdemeanors committed therein respectively; be it, therefore, enacted,

Out of rate in the nature of county rate.

That all sums directed to be paid by virtue of this Act, in respect of felonies and of such misdemeanors as aforesaid, committed or supposed to have been committed in such liberties, franchises, cities, towns, and places, shall be paid out of the rate in the nature of a county

rate, or out of any fund applicable to similar purposes, where there is such a rate or fund, by the treasurer or other officer having the collection or disbursement of such rate or fund; and where there is no such rate or fund in such liberties, franchises, cities, towns, or places, shall be paid out of the rate or fund for the relief of the poor of the parish, township, district, or precinct therein, where the offence was committed or supposed to have been committed, by the overseers or other officers having the collection or disbursement of such last-mentioned rate or fund; and the order of court shall in every such case be directed to such treasurer, overseers, or other officers respectively, instead of the treasurer of the county, riding, or division, as the case may require.

If no such rate, then out of poor's rates.

XXVI. And, for the better regulation of costs and expences in the cases aforesaid, and for preventing abuses in respect thereof, be it enacted, That it shall be lawful for the justices of the peace of any county, riding, or division, or of any liberty, franchise, city, town, or place chargeable with costs and expences under the provision aforesaid, in Quarter Sessions assembled, to establish, and from time to time to alter such regulations as to the rate of any costs and expences thereafter to be allowed by virtue of this Act, as to them shall seem just and reasonable; which regulations having received the approbation and signature of one justice of gaol delivery or of great sessions for the county wherein any such regulations shall have been established, shall be binding on all persons whatsoever.

Quarter Sessions to make regulations as to costs and expences. (18 G. 3. c. 19. s. 9.)

When binding.

XXVII. And, for enabling the High Court For payment of ex-

pences in prosecutions in Court of Admiralty.

of Admiralty to order the payment of the costs and expences of prosecutors and witnesses, and compensation for their trouble and loss of time, in cases in which other courts have a like power under this Act, be it enacted, That it shall be lawful for the judge of the said Court of Admiralty, in every case of felony, and in every case of misdemeanor of the denominations herein before enumerated, committed upon the high seas, to order the assistant to the counsel for the affairs of the admiralty and navy to pay such costs, expences, and compensation to prosecutors and witnesses, in like manner as other courts may order the treasurer of the county to pay the same; and such assistant is hereby authorized and required, upon sight of every such order, forthwith to pay to the person named therein, or to any one duly authorized to receive the same on his or her behalf, the money in such order mentioned, and shall be allowed the same in his accounts.

Order on assistant to counsel of Admiralty, &c.

Courts may order compensation to those who have been active in the apprehension of certain offenders. (4 W. & M. c. 8. s. 1. 10 & 11 W. 3. c. 23. s. 1, 2. 5 Ann. c. 31. s. 1. 14 G. 2. c. 6. 58 G. 3. c. 70. s. 4 & 5.)

XXVIII. And, for the better remuneration of persons who have been active in the apprehension of certain offenders, be it enacted, That where any person shall appear to any court of over and terminer, gaol delivery, superior criminal court of a county palatine, or court of great sessions, to have been active in or towards the apprehension of any person charged with murder, or with feloniously and maliciously shooting at, or attempting to discharge any kind of loaded fire arms at any other person, or with stabbing, cutting, or poisoning, or with administering any thing to procure the miscarriage of any woman, or with rape, or with burglary or felonious house-

breaking, or with robbery on the person, or with arson, or with horse-stealing, bullock-stealing, or sheep-stealing, or with being accessory before the fact to any of the offences aforesaid, or with receiving any stolen property knowing the same to have been stolen, every such court is hereby authorized and empowered in any of the cases aforesaid, to order the sheriff of the county in which the offence shall have been committed to pay to the person or persons, who shall appear to the court to have been active in or towards the apprehension of any person charged with any of the said offences, such sum or sums of money as to the court shall seem reasonable and sufficient to compensate such person or persons for his, her, or their expences, exertions, and loss of time in or towards such apprehension; and where any person shall appear to any court of sessions of the peace to have been active in or towards the apprehension of any party charged with receiving stolen property knowing the same to have been stolen, such court shall have power to order compensation to such person in the same manner as the other courts herein-before mentioned: Provided always, That nothing herein contained shall prevent any of the said courts from also allowing to any such persons, if prosecutors or witnesses, such costs, expences, and compensations, as courts are by this Act empowered to allow to prosecutors and witnesses respectively.

Independent of costs of prosecution.

XXIX. And be it further enacted, That every order for payment to any person in respect of such apprehension as aforesaid, shall be forthwith made out and delivered by

Such orders to be paid by the Sheriff, who may obtain immediate repayment on application to the Treasury.

(58 G. 3. c. 70. s. 5. 3 G. 1. c. 15. s. 4.)

the proper officer of the Court unto such person, upon being paid for the same the sum of five shillings and no more; and the Sheriff of the County for the time being is hereby authorized and required, upon sight of such order, forthwith to pay to such person, or to any one duly authorized on his or her behalf, the money in such order mentioned; and every such sheriff may immediately apply for repayment of the same to the Commissioners of His Majesty's Treasury, who upon inspecting such order, together with the acquittance of the person entitled to receive the money thereon, shall forthwith order repayment to the Sheriff of the money so by him paid, without any fee or reward whatsoever.

If any man is killed in attempting to take certain offenders, the court may order compensation to his family. (58 G. 3. c. 70. s. 8.)

XXX. And be it further enacted, That if any man shall happen to be killed in endeavouring to apprehend any person who shall be charged with any of the offences hereinbefore last mentioned, it shall be lawful for the court before whom such person shall be tried to order the sheriff of the county to pay to the widow of the man so killed, in case he shall have been married, or to his child or children in case his wife shall be dead, or to his father or mother in case he shall have left neither wife nor child, such sum of money as to the court in its discretion shall seem meet; and the order for payment of such money shall be made out and delivered by the proper officer of the court unto the party entitled to receive the same, or unto some one on his or her behalf, to be named in such order by the direction of the court; and every such order shall be paid by and repaid to the sheriff in the manner herein-before mentioned.

XXXII. And whereas the practice of indiscriminately estreating recognizances for the appearance of persons to prosecute or give evidence, or to answer for a common assault, or in the other cases hereafter specified, has been found in many instances productive of hardship to persons who have entered into the same; be it therefore enacted, That in every case where any person bound by recognizance for his or her appearance, or for whose appearance any other person shall be so bound to prosecute or give evidence in any case of felony or misdemeanor, or to answer for any common assault, or to articles of the peace, or to abide an order in bastardy, shall therein make default, the officer of the court by whom the estreats are made out shall and is hereby required to prepare a list in writing, specifying the name of every person so making default, and the nature of the offence in respect of which every such person, or his or her surety, was so bound, together with the residence, trade, profession, or calling of every such person, and surety, and shall in such list distinguish the principals from the sureties, and shall state the cause, if known, why each such person has not appeared, and whether by reason of the non-appearance of such person the ends of justice have been defeated or delayed; and every such officer shall and is hereby required, before any such recognizance shall be estreated, to lay such list, if at a court of oyer and terminer or gaol delivery in any county besides Middlesex and London, or at a court of great sessions, or at one of the superior courts of the counties palatine, be-

Recognizance in certain cases not to be estreated without a judge's order.

List of persons in writing, with nature of offence, &c. to be made out by clerk of court, and laid before judge, &c.

fore one of the justices of those courts respectively; if at a court wherein a recorder or other corporate officer is the Judge or one of the Judges, before such Recorder or other corporate officer; and if at a session of the peace, before the chairman or two other justices of the peace who shall have attended such court, who are respectively authorized and required to examine such list, and to make such order touching the estreating or putting in process of any such recognizance as shall appear to them respectively to be just; and it shall not be lawful for the officer of any court to estreat or put in process any such recognizance without the written order of the justice, recorder, corporate officer, chairman, or justices of the peace before whom respectively such list shall have been laid.

No recognizance to be estreated without written order of justice, &c.

Repeal of the Acts.

XXXII. And be it further enacted, That from and after the commencement of this Act, so much of a statute made at Westminster in the third year of the reign of King Edward the First, as provides what prisoners shall not be replevisable and what shall be so; and a statute made in the seventh year of the reign of King Henry the Fifth; and so much of a statute made in the ninth year of the same reign, as relates to indictments and appeals laid in a non-existing place; and so much of a statute made in the eighteenth year of the reign of King Henry the Sixth, as perpetuates the said provision of the statute last referred to; and so much of a statute made in the twenty-third year of the same reign, as relates to sheriffs and other officers and ministers therein mentioned letting out of prison upon

3 Ed. 1. c. 15.

7 H. 5.

9. H. 5. c. 1.

18 H. 6. c. 12.

23 H. 6. c. 9.

sureties any person in custody upon indictment;
and an Act passed in the first year of the 1 R. 3. c. 3.
reign of King Richard the Third, intituled
"An Act for bailing of persons suspected of
"Felony;" and so much of an Act passed in
the third year of the reign of King Henry the 3 H. 7. c. 3.
Seventh, intituled "An Act that Justices of the
"Peace may take bail," as relates to bail or
mainprize; and an Act passed in the twenty- 25 H. 8. c. 3.
fifth year of the reign of King Henry the
Eighth, intituled "An Act for standing
"mute, and peremptory Challenge;" and so
much of an Act passed in the thirty-second 32 H. 8. c. 3.
year of the same reign, intituled "For the
"Continuation of Acts, as perpetuates the said
"last-mentioned Act;" and an Act passed in
the second and third years of the reign of 2 & 3 Ed. 6. c 24.
King Edward the Sixth, intituled "An Act
"for the Trial of Murders and Felonies in se-
"veral Counties" and an Act passed in the
fifth and sixth years of the same reign, inti- 5 & 6 Ed. 6. c. 10.
tuled "An Act to take away the Benefit of
"Clergy from such as rob in one Shire and
"fly into another;" and an Act passed in the
first and second years of the reign of King 1 & 2 P. & M. c. 13.
Philip and Queen Mary, intituled "An Act
"appointing an order to Justices of Peace for
"the Bailment of Prisoners;" and an Act
passed in the second and third years of the 2 & 3 P. & M. c. 10.
same reign, intituled "An Act to take Exa-
"mination of Prisoners suspected of Man-
"slaughter or Felony;" and an Act passed in
the fourth year of the reign of King William 4 W. & M. c. 8.
and Queen Mary, intituled "An Act for en-
"couraging the apprehending of Highway-
"men;" and so much of an Act passed in the
tenth and eleventh years of the reign of King 10 & 11 W. 3. c. 23.

William, intituled "An Act for the better ap-
"prehending, prosecuting and punishing of
"Felons, that commit Burglary, Housebreak-
"ing, or Robbery in Shops, Warehouses,
"Coach-houses, or Stables, or that steal
"Horses, as relates to the certificates therein
"mentioned;" and so much of an Act passed
1 Anne, St. 2. c. 9. s. 1. in the first year of the reign of Queen Anne,
intituled "An Act for punishing of Accessories
"to Felonies and Receivers of Stolen Goods,
"and to prevent the wilful burning and de-
"stroying of Ships, as relates to Accessories;"
Vulgo, 5 Anne, c. 31. and an Act passed in the sixth year of the
same reign, intituled "An Act for the encou-
"raging the Discovery and apprehending of
"Housebreakers, except the special Provision
"affecting the sheriffs and under sheriffs of
"London and Middlesex;" and an Act passed
6. G. 1. c. 23. in the sixth year of the reign of King George
the first, intituled "An Act for the further
"preventing Robbery, Burglary, and other
"Felonies; and for the more effectual Trans-
"portation of Felons;" and so much of an
25 G. 2. c. 36. s. 11. Act passed in the twenty-fifth year of the reign
of King George the Second, intituled "An
"Act for the better preventing Thefts and
"Robberies; and for regulating places of
"public Entertainment, and punishing per-
"sons keeping disorderly Houses," as relates
to payments to prosecutors in cases of felony;
and so much of an Act passed in the twenty-
27 G. 2. c. 3. s. 3. seventh year of the same reign, intituled "An
"Act for the better securing to Constables
"and others the Expences of conveying
"Offenders to Gaol, and for allowing the
"Charges of poor Persons bound to give
"evidence against Felons," as relates to the

allowance of compensation to poor persons appearing on recognizance to give evidence against any one accused of felony; and so much of an Act passed in the eighteenth year of the reign of George the Third, intituled "An Act for the Payment of Costs to Parties "on Complaints determined before Justices "of the Peace out of Sessions; for the Payment of the Charges of Constables in certain "Cases; and for the more effectual Payment "of Charges to Witnesses and Prosecutors of "any Larceny or other Felony," as relates to payments and allowances to prosecutors and other persons appearing on recognizance or subpœna to give evidence as to any felony, and to rules and regulations touching the costs and charges to be allowed to such prosecutors and persons; and so much of an Act passed in the forty-third year of the same reign, intituled "An Act for remedying certain Defects in the Laws relative to the building and repairing of County Bridges and "other Works maintained at the Expence of "the Inhabitants of Counties in England," as relates to laying the property in the surveyor of county bridges in any indictment; and so much of an Act passed in the same year, for providing, among other things, for the more convenient trial of accessories in felonies, as relates to the trial of accessories, except the special provisions therein contained as to accessories before the fact in murder; and an Act passed in the fifty-sixth year of the same reign, intituled "An Act for removing Difficulties in the Conviction of Offenders stealing Property from Mines;" and an Act passed in the fifty-eighth year of the same

18 G. 3. c. 19. s. 7 & 8.

43 G. 3. c. 59. s. 3.

43 G. c. 113. s. 5.

56 G. 3. c. 73.

58 G. 3 c. 70.

reign, intituled "An Act for repealing such "Parts of several Acts as allow pecuniary and "other Rewards upon the Conviction of Per-"sons for Highway Robbery and other Crimes "and Offences; and for facilitating the Means "of prosecuting Persons accused of Felony "and other Offences," except so much thereof as relates to disorderly houses; and an Act passed in the fifty-ninth year of the same reign intituled "An Act to facilitate the Trial of "Felonies committed on board Vessels em-"ployed on Canals, Navigable Rivers, and "Inland Navigations;" and another Act passed in the same year, intituled "An Act to "facilitate the Trials of Felonies committed "on Stage Coaches and Stage Waggons and "other such Carriages, and of Felonies com-"mitted on the Boundaries of Counties;" and an Act passed in the first year of His present Majesty's reign, for making general the provisions of the said recited Act of the fifty-sixth year of the reign of King George the Third; and so much of an Act passed in the third year of the present reign, intituled "An Act for "the further and more adequate Punishment "of persons convicted of Manslaughter, and "of Servants convicted of robbing their mas-"ters, and of Accessories before the Fact to "Grand Larceny and certain other Felonies," as provides that accessories before the fact may be indicted for a misdemeanor; and so much of another Act passed in the same year, intituled "An Act to amend the general Laws "now in being for regulating Turnpike Roads "in that part of Great Britain called Eng-"land," as relates to stating in any indictment any things to be the property of the clerk to

59 G. 3. c. 27.

59. G. 3. c. 96.

1 G. 4. c. 102.

3. G. 4. c. 38.

3 G. 4. c. 126. s. 60.

the trustees or commissioners, as therein mentioned; and an Act passed in the sixth year of the present reign, intituled "An Act to amend "Two Acts for removing Difficulties in the "Conviction of Offenders stealing Property "in Mines and from Corporate Bodies," shall be and the same are hereby repealed, except so far as any of the said Acts relate to Scotland or Ireland, or repeal the whole or any part of any other Acts, and except as to offences committed before the passing of this Act, which shall be dealt with and punished as if this Act had not been passed.

6 G. 4. c. 56.

Proviso.

7 & 8 GEO. 4. c. 18.

AN ACT

To prohibit the setting of Spring Guns, Man Traps, and other Engines calculated to destroy human Life, or inflict grievous bodily Harm.

[28 May, 1827.]

WHEREAS it is expedient to prohibit the setting of spring guns and man traps, and other engines calculated to destroy human life, or inflict grievous bodily harm; Be it therefore enacted and declared by the King's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, if any person shall set or place, or cause to be set or placed, any spring gun, man trap, or other engine calculated to destroy human life, or inflict grievous bodily harm, with the intent that the same, or whereby the same may destroy or inflict grievous bodily harm upon a trespasser, or other person coming in contact therewith, the person so setting or placing, or causing to be so set or placed, such gun, trap,

Persons setting or placing spring guns, man traps, &c. guilty of a misdemeanor.

or engine as aforesaid, shall be guilty of a misdemeanor.

II. Provided always, and be it further enacted, That nothing herein contained shall extend to make it illegal to set any gin or trap such as may have been or may be usually set with the intent of destroying vermin.

Proviso for traps for destroying vermin.

III. And be it further enacted and declared, That if any person shall knowingly and wilfully permit any such spring gun, man trap, or other engine as aforesaid, which may have been set, fixed, or left in any place then being in or afterwards coming into his or her possession or occupation, by some other person or persons, to continue so set or fixed, the person so permitting the same to continue shall be deemed to have set and fixed such gun, trap, or engine, with such intent as aforesaid.

Persons permitting guns, traps, &c. set by others to continue, deemed to have set the same.

IV. Provided always, and be it further enacted, That nothing in this Act shall be deemed or construed to make it a misdemeanor, within the meaning of this Act, to set or cause to be set, or to be continued set, from sunset to sunrise, any spring gun, man trap, or other engine which shall be set or caused or continued to be set in a dwelling house for the protection thereof.

Proviso for guns, traps &c. set for the protection of dwelling houses.

V. Provided always, and it is hereby further enacted and declared, That nothing in this Act contained shall in any manner affect or authorize any proceedings in any civil or criminal court touching any matter or thing done or committed previous to the passing of this Act.

Not to affect proceedings already commenced.

Not to extend to Scotland.

VI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to that part of the united kingdom called Scotland.

AN ACT

*For repealing various Statutes in England relative to the Benefit of Clergy, and to Larceny and other Offences connected therewith, and to malicious Injuries to Property, and to Remedies against the Hundred.**

[21 June, 1827.]

WHEREAS it is expedient to repeal various statutes now in force in that part of the united kingdom called England, relative to the benefit of clergy; and it is also expedient to repeal various statutes relative to larceny, and other offences of stealing, and to burglary, robbery, and threats for the purpose of robbery or of extortion, and to embezzlement, false pretences, and the receipt of stolen property, in order that the provisions contained in those statutes may be amended and consolidated into one Act; and it is also expedient with the same view to repeal various statutes relative to malicious injuries to property; and also with the same view to repeal various statutes relative to remedies against the hundred: Be it therefore enacted by the king's most excellent majesty, by and with the advice

* And see Stat. 7 G. 4. c. 64. s. 32. Ante p. 24, for the repeal of other statutes.

and consent of the lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That so much of a charter or statute made in the ninth year of the reign of king Henry the third, commonly called "Charta "de Foresta," as relates to the punishment for taking the king's venison; and so much of a statute made at Westminster in the third year of the reign of King Edward the First, as relates to clerks taken for guilty of felony, and to trespassers in parks and ponds; and so much of a statute made at Westminster in the thirteenth year of the same reign, as ordains that the towns near adjoining shall be distrained to levy at their own cost a hedge or dyke overthrown, and to yield damages; and the whole of a statute made in the same year, intituled "Statutum Winton," except so much thereof as forbids fairs and markets being kept in churchyards; and a statute made in the twenty-first year of the same reign, intituled "Statutum de Malefactoribus in Parcis;" and so much of a statute made in the first year of the reign of King Edward the Third, as relates to trespasses in the king's forests of vert and venison; and so much of a statute made in the twenty-fifth year of the same reign, intituled "Ordinatio pro Clero," as relates to clerks convicted of treasons or felonies, and to the arraignment of clerks; and so much of a statute made in the twenty-eighth year of the same reign, as relates to making cry and fresh suit, and to hundreds and franchises being answerable as therein mentioned; and so much of a statute made in the thirty-fourth year, and of another statute made in the

9 H. 3. st. 2. c. 10.
3 Ed. 1. c. 2 & 20.
13 Ed. 1. st. 1. c. 46.
13 Ed. 1. st. 2.
21 Ed. 1. st. 2.
1 Ed. 3. st. 1. c. 8.
25 Ed. 3. st. 6. (vulgo st. 3.) c. 4, 5.
28 Ed. 3. c. 11.
34 Ed. 3. c. 22.
37 Ed. 3. c. 19.

thirty-seventh year of the same reign, as relates to hawks; and so much of a statute made in the eighth year of the reign of King Henry the Sixth, as relates to the offences of stealing, taking away, withdrawing, or avoiding of any record or other like thing therein mentioned; and so much of a statute made in the thirty-third year of the same reign, as relates to servants taking and spoiling the goods of their masters after their death; and an Act passed in the first year of the reign of King Henry the Seventh, intituled "An Act against unlawful hunting in Forests and Parks;" and an Act passed in the fourth year of the same reign, intituled "An Act to take away the Benefit of Clergy from certain Persons;" and an Act passed in the twenty-first year of the reign of King Henry the Eighth, intituled "An Act for the Punishment of such Servants as shall withdraw themselves, and go away with their Masters or Mistresses Caskets and other Jewels or Goods committed to them in trust to be kept;" and an Act passed in the same year, intituled "An Act for Restitution to be made of the Goods of such as shall be robbed by Felons;" and an Act passed in the twenty-third year of the same reign, intituled "An Act that no Person committing Petty Treason, Murder, or Felony, shall be admitted to his Clergy under Subdeacons;" and an Act passed in same year, intituled "An Act for breaking of Prison by Clerks Convict;" and an Act passed in the thirty-first year of the same reign, intituled "An Act against Fishing in Ponds;" and an Act passed in the thirty-third year of the same reign, intituled

8 H. 6. c. 12. s. 3.
33 H. 6. c. 1.
1 H. 7. c. 7.
4 H. 7. c. 13.
21 H. 8. c. 7.
21 H. 8. c. 11.
23 H. 8. c. 1.
23 H. 8. c. 11.
31 H. 8. c. 2.

33 H. 8. c. 1. "An Act concerning counterfeit Letters, or "privy tokens to receive Money or Goods in "other Men's Names;" and an Act passed in the thirty-fourth and thirty-fifth years of the 34 & 35 H. 8. c. 14. same reign, intituled "An Act for a Certifi-"cate of Convicts to be made into the King's "Bench;" and an Act passed in the thirty-35 H. 8. c. 17. fifth year of the same reign, intituled "An "Act for the Preservation of Woods;" and an Act passed in the thirty-seventh year of the 37 H. 8. c. 6. same reign, intituled "An Act against burning "of Frames;" and so much of an Act passed 37 H. 8. c. 8. s. 2. in the same year, intituled "An Act that an "Indictment lacking these words, 'Vi et "'Armis,' shall be sufficient in Law," as relates to persons stealing any horse, gelding, mare, foal, or filley; and so much of an Act passed in the first year of the reign of King 1 Ed. 6. c. 12. s. 10, 14. Edward the Sixth, intituled "An Act for the "Repeal of certain Statutes concerning "Treasons, Felonies, etc.," as relates to house-breaking, robbing, horse-stealing, and sacrilege, and to the allowance of the benefit of clergy in any case therein mentioned; and an Act passed in the second and third years 2 & 3 Ed. 6. c. 33. of the same reign, intituled "An Act that no "Man stealing Horse or Horses shall enjoy "the benefit of his Clergy;" and an Act passed in the fifth and sixth years of the same 5 & 6 Ed. 6. c. 9. reign, intituled "An Act that no Man robbing "any House, Booth, or Tent, shall not be "admitted to the Benefit of his Clergy;" and so much of an Act passed in the fourth and fifth years of the reign of King Philip and 4 & 5 P. & M. c. 4. Queen Mary, intituled "An Act that Acces-"sories in Murder and divers Felonies shall "not have the Benefit of Clergy," as relates

to accessories to any robbery or burning therein mentioned; and an Act passed in the fifth year of the reign of Queen Elizabeth, intituled "An Act reviving a Statute made "Anno 21 H. 8, touching Servants embezzling "their Masters' Goods;" and another Act passed in the same fifth year, intituled "An "Act for the Punishment of unlawful taking "of Fish, Deer, or Hawks;" and an Act passed in the eighth year of the same reign, intituled "An Act to take away the Benefit "of Clergy from certain felonious Offenders;" and so much of an Act passed in the thirteenth year of the same reign, intituled "An Act "for the reviving and Continuance of certain "Statutes," as alters and perpetuates the Act of the thirty-fifth year of the reign of King Henry the Eighth herein-before recited; and so much of an Act passed in the eighteenth year of the reign of Queen Elizabeth, intituled "An Act to take away Clergy from the "Offenders in Rape and Burglary, and an "Order for the Delivery of Clerks Convict "without Purgation," as relates to burglary, and to persons admitted to the benefit of clergy; and an Act passed in the twenty-seventh year of the same reign, intituled "An "Act for the following of Hue and Cry;" and an Act passed in the thirty-first year of the same reign, intituled "An Act against em-"bezzling of Armour, Habiliments of War, "and Victual;" and so much of an Act passed in the same year, intituled "An Act to avoid "Horse-stealing," as enacts that all accessories to horse-stealing shall be deprived of the benefit of clergy; and an Act passed in the thirty-ninth year of the same reign, intituled

5 Eliz. c. 10.

5 Eliz. c. 21.

8 Eliz. c. 4.

13 Eliz. c. 25. s. 3, 18, 19.

18 Eliz. c. 7.

27 Eliz. c. 13.

31 Eliz. c. 4.

31 Eliz. c. 12. s. 5.

39 Eliz. c. 15.

43 Eliz. c. 7.

43 Eliz. c. 13.

2 Jac. 1. c. 27, recognized as existing in 2 G. 3. c. 29.

3 Jac. 1. c. 13. [This Act and the next are recognized as existing in 16 G. 3. c. 30.]

7 Jac. 1. c. 13.

15 Car. 2. c. 2.

22 Car. 2. c. 5.

"An Act that no Person robbing any House "in the Day-time, although no person be "therein, shall be admitted to have the "Benefit of his Clergy;" and an Act passed in the forty-third year of the same reign, intituled "An Act to avoid and prevent divers "Misdemeanors in lewd and idle persons;" and an Act passed in the same year, intituled "An Act for the more peaceable Government "of the Parts of Cumberland, Northumber-"land, Westmoreland, and the Bishoprick of "Durham;" and so much of an Act passed in the second year of the reign of King James the First, intituled "An Act for the better Execu-"tion of the Intent and Meaning of former "Statutes made against shooting in Guns, and "for the Preservation of the Game of Phea-"sants and Partridges, and against the destroy-"ing of Hares with Hare Pipes, and tracing "Hares in the Snow," as relates to house doves, pigeons, and deer; and an Act passed in the third year of the same reign, intituled "An "Act against unlawful hunting and stealing "of Deer and Conies;" and an Act passed in the seventh year of the same reign, for the explanation of the last-mentioned Act; and an Act passed in the fifteenth year of the reign of King Charles the Second, intituled "An Act for the Punishment of unlawful "cutting or stealing or spoiling of Wood "and Underwood, and destroying of young "Timber Trees;" and an Act passed in the twenty-second year of the same reign, intituled "An Act for taking away the Benefit "of Clergy from such as steal Cloth from the "Rack, and from such as shall steal His "Majesty's Ammunition and Stores;" and an

Act passed in the twenty-second and twenty-third years of the same reign, intituled "An "Act to prevent the malicious burning of "Houses, Stacks of Corn and Hay, and killing "or maiming of Cattle;" and so much of an Act passed in the same years, intituled "An "Act to prevent the Delivery up of Merchants' "Ships, and for the Increase of good and "serviceable Shipping," as relates to the wilful destruction of any ship by any of the persons belonging to it, as therein mentioned; and an Act passed in the same years, intituled "An Act for the better Preservation of the "Game, and for securing Warrens not in-"closed, and the several Fishings of this "Realm," so far as relates to all subjects therein mentioned, except the appointment and powers of game-keepers, search warrants, and the description of persons, who are thereby declared to be persons not allowed to have or keep for themselves or any other person any guns, bows, greyhounds, or other animals or things therein enumerated; and an Act passed in the third year of the reign of King William and Queen Mary, intituled "An Act to take away Clergy from some "Offenders, and to bring others to Punish-"ment;" and so much of an Act passed in the fourth year of the same reign, intituled "An Act for the more easy Discovery and "Conviction of such as shall destroy the "Game of this Kingdom," as relates to pigeons and fish, and to persons wrongfully fishing, and to all instruments and engines for destroying or taking fish, and to the burning of any grig, ling, heath, furze, goss, or fern; and so much of an Act passed in the

22 & 23 Car. 2. c. 7.

22 & 23 Car. 2. c. 11. s. 12.

22 & 23 Car. 2. c. 25, except s. 1. to 3.

3 W. & M. c. 9.

4 W. & M. c. 23.

4 W. & M. c. 24. s. 13. fourth year of same reign, intituled "An "Act for reviving, continuing, and explain-"ing several Laws therein mentioned, which "are expired and near expiring," as explains the said recited Act of the third year of the same reign; and the whole of an Act passed in the tenth year of the reign of King William

10 W. 3. c. 12. (vulgo 10 & 11 W. 3. c. 23,) except s. 7 & 8. the Third, intituled "An Act for the better "apprehending, prosecuting, and punishing "of Felons that commit Burglary, House-"breaking, or Robbery in Shops, Ware-"houses, Coach-houses, or Stables, or that "steal Horses," except so much thereof as relates to fees for discharging recognizances and drawing bills of indictment, and to defective bills of indictment; and the whole of an Act passed in the first year of the reign of

1 Ann. st. 2. c. 9, except s. 3. Queen Anne, intituled "An Act for punish-"ing of Accessories to Felonies and Receivers "of Stolen Goods, and to prevent the wilful "burning and destroying of Ships," except so much thereof as relates to witnesses on behalf of the prisoner upon any trial for treason or felony; and an Act passed in the

6 Ann. c. 9. (vulgo 5 Ann. c. 6.) sixth year of the same reign, intituled "An "Act for repealing a Clause in an Act, "intituled 'An Act for the better apprehend-"'ing, prosecuting, and punishing Felons "'that commit Burglaries, House-breaking, "' or Robberies in Shops, Warehouses, Coach-"'houses, or Stables, or that steal Horses;'" and an Act passed in the twelfth year of

12 Ann. st. 1. c. 7. the same reign, intituled "An Act for the "more effectual preventing and punishing "Robberies that shall be committed in "Houses;" and so much of an Act passed in the thirteenth year of the same reign, in-

tituled "An Act for the preserving all such "Ships, and Goods thereof, which shall happen to be forced on Shore or stranded upon "the Coasts of this Kingdom, or any other of "Her Majesty's Dominions," as relates to any person upon whom any goods stolen or carried off from any vessel in distress shall be found, and to the several offences touching vessels in distress, which are thereby made capital felonies; and so much of an Act passed in the first year of the reign of King George the First, intituled "An Act for preventing Tumults and riotous Assemblies, and for the more speedy and effectual punishing the "Rioters," as relates to any rioters demolishing or pulling down, or beginning to demolish or pull down, any of the buildings therein mentioned, and to the liability of the inhabitants of the hundred, city, or town, in which the damage shall be done, to yield damages to the party injured; and an Act passed in the same year, intituled "An Act "to encourage the planting of Timber Trees, "Fruit Trees, and other Trees for Ornament, "Shelter, or Profit, and for the better Preservation of the same, and for the preventing the burning of Woods;" and the whole of an Act passed in the fourth year of the same reign, intituled "An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons and unlawful Exporters of Wool, and for declaring the Law upon "some Points relating to Pirates," except so much thereof as relates to the trial of piracy, felony, or robbery committed within the Admiralty jurisdiction; and an Act passed in the

13 Ann. c. 21. (vulgo 12 Ann. st 2.) c. 18. s. 4 & 5.

1 G. 1. st. 2. c. 5. s. 4 & 6.

1 G. 1. st. 2. c. 48.

4 G. 1. c. 11. except s. 7.

5 G. 1. c. 28. fifth year of the same reign, intituled "An "Act for the further Punishment of such Per- "sons as shall unlawfully kill or destroy Deer "in Parks, Paddocks, or other inclosed "Grounds;" and an Act passed in the sixth
6 G. 1. c. 16. year of the same reign, intituled "An Act "to explain and amend an Act passed in the "First Year of His Majesty's Reign, intituled "'An Act to encourage the planting of Tim- "'ber Trees, Fruit Trees, and other Trees for "'Ornament, Shelter, or Profit, and for the "'better Preservation of the same, and for "'the preventing the burning of Woods,' and "for the better Preservation of the Fences of "such Woods;" and an Act passed in the
9 G. 1. c. 22. ninth year of the same reign, intituled "An "Act for the more effectual punishing wicked "and evil-disposed persons going armed in "Disguise, and doing Injuries and Violences "to the Persons and Properties of His Ma- "jesty's Subjects, and for the more speedy "bringing the Offenders to Justice;" and so much of an Act passed in the second year of the reign of King George the Second, inti-
2 G. 2. c. 25. s. 3. tuled "An Act for the more effectual pre- "venting and further Punishment of Forgery, "Perjury, and Subornation of Perjury, and to "make it Felony to steal Bonds, Notes, or "other Securities for Payment of Money," as relates to the stealing or taking by robbery any orders or other securities therein enumerated; and an Act passed in the fourth
4 G. 2. c. 32. year of the same reign, intituled "An Act for "the more effectual punishing Stealers of "Lead or Iron Bars fixed to Houses, or any Fences belonging thereunto;" and an Act passed in the sixth year of the same reign,

intituled "An Act for making perpetual the several Acts therein mentioned, for the better Regulation of Juries; and for empowering the Justices of Session or Assizes for the Counties Palatine of Chester, Lancaster, and Durham, to appoint a Special Jury in manner therein mentioned; and for continuing the Act for regulating the Manufacture of Cloth in the West Riding of the County of York, (except a Clause therein contained;) and for continuing an Act for the more effectual punishing wicked and evil-disposed Persons going armed in Disguise, and for other Purposes therein mentioned, and to prevent the cutting or breaking down the Bank of any River, or any Sea Bank, and to prevent the malicious cutting of Hopbinds; and for continuing an Act made in the Thirteenth and Fourteenth Years of the Reign of King Charles the Second, for preventing Theft and Rapine upon the Northern Borders of England; and for reviving and continuing certain Clauses in Two other Acts made for the same Purpose;" and an Act passed in the eighth year of the reign of King George the Second, intituled "An Act for the Amendment of the Law relating to Actions on the Statute of Hue and Cry;" and an Act passed in the same year, intituled "An Act for rendering the Laws more effectual for punishing such Persons as shall wilfully and maliciously pull down or destroy Turnpikes for repairing Highways, or Locks or other Works erected by Act of Parliament for making Rivers navigable, and for other Purposes therein mentioned;" and an Act passed in the tenth year of the same reign, intituled "An Act for con-

6 G. 2. c. 37.

8 G. 2. c. 16.

8 G. 2. c. 20.

10 G. 2. c. 32. except s. 10.

"tinuing an Act for the more effectual punish-
"ing wicked and evil-disposed Persons going
"armed in Disguise, and doing Injuries and
"Violences to the Persons and Properties of
"His Majesty's Subjects, and for the more
"speedy bringing the Offenders to Justice;
"and for continuing Two Clauses, to prevent
"the cutting or breaking down the Bank of
"any River or Sea Bank, and to prevent the
"malicious cutting of Hopbinds, contained
"in an Act passed in the Sixth Year of His
"present Majesty's Reign; and for the more
"effectual Punishment of Persons removing
"any Materials used for securing Marsh or Sea
"Walls or Banks, and of Persons maliciously
"setting on fire any Mine, Pit, or Delph of
"Coal or Cannel Coal, and of Persons un-
"lawfully hunting or taking any Red or Fallow
"Deer in Forests or Chases, or beating or
"wounding Keepers or other Officers in Fo-
"rests, Chases, or Parks; and for more effect-
"ually securing the Breed of Wild Fowl, ex-
"cept so much thereof as relates to wild fowl;"
and so much of an Act passed in the eleventh
11 G. 2. c. 22. s. 5. to the end. year of the same reign, intituled "An Act for
"punishing such Persons as shall do Injuries
"and Violences to the Persons or Properties
"of His Majesty's Subjects, with Intent to bin-
"der the Exportation of Corn, as relates to the
"liability of the inhabitants of hundreds;" and
an Act passed in the thirteenth year of the
13 G. 2. c. 21. same reign, intituled "An Act for further and
"more effectually preventing the wilful and
"malicious Destruction of Collieries and Coal
"Works;" and an Act passed in the fourteenth
14 G. 2. c. 6. year of the same reign, intituled "An Act to
"render the Laws more effectual for the pre-

"venting the stealing and destroying of Sheep "and other Cattle;" and an Act passed in the fifteenth year of the same reign, intituled "An Act to explain an Act made in the Four- "teenth Year of the Reign of His present "Majesty, intituled 'An Act to render the "'Laws more effectual for preventing the "'stealing and destroying of Sheep and other "'Cattle;'" and an Act passed in the twenty-second year of the same reign, intituled "An "Act for remedying Inconveniences, which "may happen by Proceedings in Actions on the "Statute of Hue and Cry;" and so much of an Act passed in the same year, for, (among other purposes) ascertaining the method of levying writs of execution against the inhabitants of hundreds, as relates to such writs and the proceedings thereupon; and an Act passed in the twenty-fourth year of the same reign, intituled "An Act for the more effectual pre- "venting of Robberies and Thefts upon any "Navigable Rivers, Ports of Entry or Dis- "charge, Wharfs and Keys adjacent;" and an Act passed in the twenty-fifth year of the same reign, intituled "An Act for the more effectual "securing Mines of Black Lead from Theft and "Robbery;" and so much of an Act passed in the same year, intituled "An Act for the better "preventing Thefts and Robberies, and for re- "gulating Places of Public Entertainment, "and punishing Persons keeping disorderly "Houses, as relates to the advertisements there- "in prohibited;" and so much of an Act passed in the twenty-sixth year of the same reign, intituled "An Act for enforcing the Laws against "Persons who shall steal or detain Shipwrecked "Goods, and for the Relief of Persons suffering

15 G. 2. c. 34.
22 G. 2. c. 24.
22 G. 2. c. 46. s. 34.
24 G. 2. c. 45.
25 G. 2. c. 10.
25 G. 2. c. 36. s. 1.
26 G. 2. c. 19. s. 1, 2, 3, 4, and 8.

"Losses thereby, as relates to any of the felo-
"nies therein mentioned, and to search war-
"rants, and to property belonging to any ves-
"sel lost, stranded, or cast on shore, being
"found in any place, or in the possession of any
"person, and to any person offering or exposing
"to sale any such property, as therein respect-
28 G. 2. c. 19. s. 3. "ively mentioned;" and so much of an Act passed in the twenty-eighth year of the same reign, for (among other purposes) preventing the burning or destroying of goss, furze, or fern in forests or chases, as relates to persons burning or destroying the same; and an Act passed in the twenty-ninth year of the same reign, intituled
29 G. 2. c. 30. "An Act for more effectually discoura-
"ging and preventing the stealing, and the
"buying and receiving stolen Lead, Iron, Cop-
"per, Brass, Bell-metal, and Solder, and for
"more effectually bringing the Offenders to
"Justice;" and so much of an Act passed in the
29 G. 2. c. 36. s. 6, 7, 8, and 9. same year, intituled "An Act for inclosing, by
"the mutual Consent of the Lords and Tenants,
"Part of any Common, for the Purpose of
"planting and preserving Trees fit for Timber
"or Underwood, and for more effectually pre-
"venting the unlawful Destruction of Trees,
"as relates to the remedy for the recovery of
"damages against the inhabitants of the adjoin-
"ing parishes, towns, hamlets, villages, or
"places, and to the punishment of the several
"offences relating to trees, and to the expla-
"nation respecting the three Acts of King
"George the first, as therein respectively
"mentioned;" and so much of an Act passed in the thirtieth year of the same reign,
30 G. 2. c. 24. s. 1. intituled "An Act for the more effectual
"Punishment of Persons who shall attain or

"attempt to attain Possession of Goods or
"Money by false or untrue Pretences; for
"preventing the unlawful pawning of Goods;
"for the easy Redemption of Goods pawned;
"and for preventing Gaming in Public Houses
"by Journeymen, Labourers, Servants, and
"Apprentices, as relates to obtaining by false
"pretence or pretences any property as there-
"in mentioned;" and an Act passed in the
thirty-first year of the same reign, intituled
"An Act to continue several Laws therein 31 G. 2. c. 35.
"mentioned, for granting a Liberty to carry
"Sugars, of the Growth, Produce, or Manufac-
"ture of any of His Majesty's Sugar Colonies
"in America, from the said Colonies directly
"into Foreign Parts, in Ships built in Great
"Britain and navigated according to Law;
"for the preventing the committing of Frauds
"by Bankrupts; for giving further Encourage-
"ment for the Importation of Naval Stores
"from the British Colonies in America; and
"for preventing Frauds and Abuses in the
"Admeasurement of Coals in the City and
"Liberty of Westminster; and for preventing
"the stealing or destroying of Madder Roots;"
and an Act passed in the second year of the
reign of King George the third, intituled
"An Act to amend so much of an Act made 2 G. 3. c. 29.
"in the First Year of the Reign of King
"James the First, intituled 'An Act for the
"'better Execution of the Intent and Mean-
"'ing of former Statutes made against shoot-
"'ing in Guns, and for the Preservation of the
"'Game of Pheasants and Partridges, and
"'against the destroying of Hares with Hare
"'Pipes, and tracing Hares in the Snow,' as
"relates to the Preservation of House Doves

"and Pigeons, by making the Manner of con-
"victing such Person or Persons as shall of-
"fend therein more easy and expeditious;"
and an Act passed in the fourth year of the reign
4 G. 3. c. 12. of King George the third, intituled "An Act
"to continue several Laws for the better Re-
"gulation of Pilots for the conducting of
"Ships and Vessels from Dover, Deal, and
"the Isle of Thanet, up the Rivers of Thames
"and Medway; relating to the landing of
"Rum or Spirits of the British Sugar Planta-
"tions before the Duties of Excise are paid
"thereon; and to the further Punishment of
"Persons going armed or disguised in defi-
"ance of the Laws of Customs or Excise; and
"to the Relief of the Officers of the Customs
"in Informations upon Seizures; and for
"granting a Liberty to carry Sugars, of the
"Growth, Produce, or Manufacture of any of
"His Majesty's Sugar Colonies, directly into
"Foreign Parts, in Ships built in Great Bri-
"tain and navigated according to Law; and
"for punishing Persons who shall damage or
"destroy any Banks, Floodgates, Sluices, or
"other Works belonging to the Rivers and
"Streams made navigable by Act of Parlia-
"ment;" and an Act passed in the same year,
4 G. 3. c. 31. intituled "An Act to indemnify such Persons
"as have omitted to qualify themselves for
"Offices and Employments, and to indemnify
"Justices of the Peace, Deputy Lieutenants,
"and Officers of the Militia, or others, who
"have omitted to register or deliver in their
"Qualifications within the Time limited by
"Law, and for giving further Time for those
"Purposes; and to indemnify Members and
"Officers in Cities, Corporations, and Bo-

"rough Towns, whose Admissions have been
"omitted to be stamped according to the
"several Acts of Parliament now in force for
"that Purpose, or having been stamped have
"been lost or mislaid, and for allowing them
"Time to provide Admissions duly stamped;
"and to prevent the Destruction of Trees and
"Underwoods growing in Forests and Cha-
"ses;" and an Act passed in the fifth year of
the same reign, intituled "An Act for the 5 G. 3. c. 14.
"more effectual Preservation of Fish in Fish
"Ponds and other Waters, and Conies in
"Warrens, and for preventing the Damage
"done to Sea Banks within the County of
"Lincoln by the breeding Conies therein;"
and an Act passed in the sixth year of the same
reign, intituled "An Act for encouraging the 6 G. 3. c. 36.
"Cultivation, and for the better Preservation
"of Trees, Roots, Plants, and Shrubs;" and
another Act passed in the same year, intituled
"An Act for the better Preservation of Tim- 6 G. 3. c. 48.
"ber Trees, and of Woods and Underwoods,
"and for the further Preservation of Roots,
"Shrubs, and Plants;" and an Act passed in
the ninth year of the same reign, intituled "An 9 G. 3. c. 29.
"Act for the more effectual punishment of such
"Persons as shall demolish or pull down, burn,
"or otherwise destroy or spoil any Mill or Mills,
"and for preventing the destroying or dama-
"ging of Engines for draining Collieries
"and Mines, or Bridges, Waggonways, or
"other Things used in conveying Coals, Lead,
"Tin, or other Minerals from Mines or Fences
"for inclosing Lands in pursuance of Acts of
"Parliament;" and an Act passed in the
same year, intituled "An Act for better se- 9 G. 3. c. 41.
"curing the Duties of Customs upon certain

"Goods removed from the Out Ports and "other Places to London; for regulating "the Fees of Officers of His Majesty's Cus-"toms in the Province of Senegambia in "Africa; for allowing to the Receivers Ge-"neral of the Duties on Offices and Employ-"ments, in Scotland, a proper Compensation "for their Trouble and Expences; for the "better Preservation of Hollies, Thorns, and "Quicksets in Forests, Chases, and private "Grounds, and of Trees and Underwoods in "Forests and Chases; and for authorizing "the Exportation of a limited Quantity of an "inferior Sort of Barley called Bigg, from "the Port of Kirkwall in the Islands of Ork-"ney;" and an Act passed in the tenth year of the same reign, intituled "An Act for pre-"venting the stealing of Dogs;" and another Act passed in the same year, intituled "An "Act for making the receiving of stolen "Jewels, and Gold and Silver Plate, in the "Case of Burglary and Highway Robbery, "more penal;" and so much of an Act passed in the thirteenth year of the same reign, intituled "An Act for the more effectual Execu-"tion of Criminal Laws in the Two Parts of "the United Kingdom," as relates to the prosecution and punishment of persons for theft or larceny, and for receiving or having any stolen property as therein mentioned; and an Act passed in the same year, intituled "An "Act for repealing so much of an Act made "in the Twenty-third Year of His late Ma-"jesty King George the Second, as relates to "the preventing the stealing or destroying of "Turnips; and for the more effectually pre-"venting the stealing or destroying of Tur-

10 G. 3. c. 18.

10 G. 3. c. 48.

13 G. 3. c. 31. s. 4 & 5.

13 G. 3. c. 32.

"nips, Potatoes, Cabbages, Parsnips, Pease,
"and Carrots;" and another Act passed in
the same thirteenth year, intituled "An Act 13 G. 3. c. 33.
"to extend the Provisions of an Act made in
"the Sixth Year of His present Majesty's
"Reign, intituled 'An Act for the better Pre-
"'servation of Timber Trees, and of Woods
"'and Underwoods, and for the further Pre-
"'servation of Roots, Shrubs, and Plants,' to
"Poplar, Alder, Maple, Larch, and Horn-
"beam;" and an Act passed in the sixteenth
year of the same reign, intituled "An Act 16 G. 3. c. 30.
"more effectually to prevent the stealing of
"Deer, and to repeal several former Statutes
"made for the like Purpose;" and the whole
of an Act passed in the nineteenth year of the
same reign, intituled "An Act to explain and 19 G. 3. c. 74, except
"amend the Laws relating to the Transporta- s. 70.
"tion, Imprisonment, and other Punishment
"of certain Offenders," except so much there-
of as relates to the Judges lodgings; and an
Act passed in the twenty-first year of the
same reign, intituled "An Act to explain and 21 G. 3. c. 68.
"amend an Act made in the Fourth Year of
"the Reign of His late Majesty King George
"the Second, intituled 'An Act for the more
"'effectual punishing Stealers of Lead and
"'Iron Bars fixed to Houses, or any Fences
"'belonging thereunto;'" and another Act
passed in the same twenty-first year, intituled
"An Act to explain and amend an Act made 21 G. 3. c. 69.
"in the Twenty-ninth Year of the Reign of
"His late Majesty King George the Second,
"intituled 'An Act for more effectually dis-
"'couraging and preventing the stealing,
"'and the buying and receiving of stolen
"'Lead, Iron, Copper, Brass, Bell-metal, and

"Solder, and for more effectually bringing "the Offenders to Justice;" and an Act passed in the twenty-second year of the reign of King George the Third, intituled "An Act "for the more easy Discovery and effectual "Punishment of Buyers and Receivers of "Stolen Goods;" and an Act passed in the thirty-first year of the same reign, intituled "An Act to render Persons convicted of "Petty Larceny competent Witnesses;" and an Act passed in the same year, intituled "An Act for better protecting the several "Oyster Fisheries within this Kingdom;" and so much of an Act passed in the thirty-third year of the same reign, intituled "An Act for "better preventing Offences in obstructing, "destroying, or damaging Ships or other "Vessels, and in obstructing Seamen, Keel-"men, Casters, and Ship Carpenters, from "pursuing their lawful Occupations," as relates to persons who shall wilfully and maliciously set fire to, or destroy or damage otherwise than by fire, any ship, keel, or other vessel; and so much of an Act passed in the thirty-sixth year of the same reign, intituled "An Act to prevent Obstructions to the free "Passage of Grain within the Kingdom;" as relates to the liability of the inhabitants of hundreds; and an Act passed in the thirty-ninth year of the same reign, intituled "An "Act to protect Masters against Embezzle-"ments by their Clerks or Servants;" and so much of an Act passed in the thirty-ninth and fortieth years of the same reign, intituled "An Act for the Security of Collieries and "Mines, and for the better Regulation of "Colliers and Miners," as declares what per-

22 G. 3. c. 58.

31 G. 3. c. 35.

31 G. 3. c. 51.

33 G. 3. c. 67. s. 5 & 6.

36 G. 3. c. 9. s. 3. to the end.

39 G. 3. c. 85.

39 & 40 G. 3. c. 77. s. 1 & 5.

sons shall be deemed and adjudged to be guilty of a misdemeanor, and as relates to any person who shall steal or take away, or break, destroy, damage, or embezzle, any article not exceeding the value of five shillings as therein mentioned, or shall break, destroy, or damage any waggon, cart, or other carriage as therein mentioned; and an Act passed in the forty-first year of the same reign, intituled "An Act for the indemnifying "of Persons injured by the forcible pulling "down and demolishing of Mills, or of Works "thereunto belonging, by Persons unlawfully "and riotously assembled;" and an Act passed in the forty-second year of the same reign, intituled "An Act to extend the Pro- "visions of an Act made in the Thirteenth "Year of the Reign of His present Majesty, "intituled 'An Act for repealing so much of "'an Act made in the Twenty-third Year of "'His late Majesty King George the Second, "'as relates to the preventing the stealing or "'destroying of Turnips, and for the more "'effectually preventing the stealing or de- "'stroying of Turnips, Potatoes, Cabbages, "'Parsnips, Pease, and Carrots,' to certain "other Field Crops, and to Orchards; and "for amending the said Act;" and an Act passed in the same forty-second year, intituled "An Act more effectually to prevent the "stealing of Deer;" and so much of an Act passed in the forty-third year of the same reign, intituled "An Act for the further Pre- "vention of malicious shooting, and attempt- "ing to discharge loaded Fire Arms, stabbing, "cutting, wounding, poisoning, and the mali- "cious using of Means to procure the Mis-

41 G. 3. c. 24. (U. K.)

42 G. 3. c. 67.

42 G. 3. c. 107.

43 G. 3. c. 58. part of s. 1.

"carriage of Women; and also the malicious "setting fire to Buildings; and also for re-"pealing a certain Act made in England in "the Twenty-first Year of the late King "James the First, intituled 'An Act to pre-"'vent the destroying and murdering of Bas-"'tard Children;' and also an Act made in "Ireland in the Sixth Year of the Reign of "the late Queen Anne, also intituled 'An "'Act to prevent the destroying and mur-"'dering of Bastard Children;' and for "making other Provisions in lieu thereof," as relates to the setting fire to any of the buildings therein enumerated; and the whole of an Act passed in the same forty-third year, intituled "An Act for the more effectually "providing for the Punishment of Offences in "wilfully casting away, burning, or destroying "Ships or Vessels; and for the more con-"venient Trial of Accessories in Felonies; "and for extending the Powers of an Act "made in the Thirty-third Year of the Reign "of King Henry the Eighth, as far as relates "to Murders, to Accessories to Murders and "to Manslaughters," except so much thereof as specially relates to accessories before the fact in murder, and to manslaughter; and so much of an Act passed in the forty-fourth year of King George the Third, intituled "An "Act to render more easy the apprehending "and bringing to Trial Offenders escaping "from one Part of the United Kingdom to "the other, and also from one County to an-"other," as relates to the prosecution and punishment of persons for theft or larceny, and for receiving or having any stolen property, as therein mentioned; and an Act

43 G. 3. c. 113. except s. 6.

41 G. 3. c. 92. s. 7 & 8.

passed in the forty-fifth year of the same reign, intituled "An Act to prevent in Great "Britain the illegally carrying away Bark; "and for amending Two Acts passed in the "Sixth and Ninth Years of His present Ma-"jesty's Reign, for the Preservation of Tim-"ber Trees, Underwoods, Roots, Shrubs, "Plants, Hollies, Thorns, and Quicksets;" and an Act passed in the forty-eighth year of the same reign, intituled "An Act to repeal so "much of an Act passed in the Eighth Year "of the Reign of Queen Elizabeth, intituled "'An Act to take away the Benefit of Clergy "'from certain Offenders for Felony,' as takes "away the Benefit of Clergy from Persons "stealing privily from the Person of another; "and for more effectually preventing the "Crime of Larceny from the Person;" and an Act passed in the same forty-eighth year, intituled "An Act for the more effectual "Protection of Oyster Fisheries and the Brood "of Oysters in England;" and an Act passed in the fifty-first year of the same reign, intituled "An Act to repeal so much of an Act "passed in the Eighteenth Year of the Reign "of King George the Second, intituled 'An "'Act for the more effectually preventing the "'stealing of Linen, Fustian, and Cotton "'Goods and Wares, in Buildings, Fields, "'Grounds, and other Places used for print-"'ing, whitening, bleaching, or dyeing the "'same,' as takes away the Benefit of Clergy "from Persons stealing Cloth in Places therein "mentioned; and for more effectually pre-"venting such Felonies;" and an Act passed in the same fifty-first year, intituled "An Act "to amend an Act of the Forty-seventh Year

45 G. 3. c. 66.

48 G. 3. c. 129.

48 G. 3. c. 144.

51 G. 3. c. 41.

51 G. 3. c. 120.

"of His present Majesty, for more effectually "preventing the stealing of Deer;" and an Act passed in the fifty-second year of the same reign, intituled "An Act for more ef- "fectually preventing the Embezzlement of "Securities for Money and other Effects left "or deposited for safe Custody, or other spe- "cial Purpose, in the Hands of Bankers, "Merchants, Brokers, Attornies, or other "Agents;" and an Act passed in the same year, intituled "An Act for extending the "Provisions of an Act of the Thirtieth Year "of King George the Second, against Per- "sons obtaining Money by false Pretences, to "Persons so obtaining Bonds and other Secu- "rities;" and another Act passed in the same fifty-second year, intituled "An Act for "the more effectual Punishment of Persons "destroying the Properties of His Majesty's "Subjects, and enabling the Owners of such "Properties to recover Damages for the In- "jury sustained;" and so much of an Act passed in the fifty-third year of the same reign, intituled "An Act to repeal a certain Provi- "sion respecting Persons convicted of Felony "without Benefit of Clergy, contained in an "Act made in the Fifty-second Year of the "Reign of His present Majesty, for the Erec- "tion of a Penitentiary House for the Con- "finement of Persons convicted within the "City of London and County of Middlesex, "and for making other Provisions in lieu "thereof," as relates to the punishment of larceny; and an Act passed in the fifty-sixth year of the same reign, intituled "An Act for "the more effectual Punishment of Persons "riotously destroying or damaging Buildings,

52 G. 3. c. 63.

52 G. 3. c. 64.

52 G. 3. c. 130.

53 G. 3. c. 162.

56 G. 3. c. 125.

"Engines, and Machinery used in and about
"Collieries and other Mines, Waggonways,
"Bridges, and other Works used in convey-
"ing and shipping Coals and other Minerals;
"and for enabling the Owners of such Pro-
"perty to recover Damages for the Injury
"sustained;", and so much of an Act passed
in the fifty-seventh year of the same reign,
intituled "An Act for the more effectually 57 G. 3. c. 19. s. 38.
"preventing Seditious Meetings and Assem-
"blies," as relates to the liability of the in-
habitants of the city, town, or hundred, to
yield compensation to the party injured, as
therein mentioned; and an Act passed in the
first year of the reign of his present Majesty,
intituled "An Act for the summary Punish- 1 G. 4. c. 56.
"ment, in certain Cases, of Persons wilfully
"or maliciously damaging or committing
"Trespasses on public or private Property;"
and the whole of an Act passed in the same
year, intituled "An Act to repeal so much of 1 G. 4. c. 115.
"the several Acts passed in the Thirty-ninth
"Year of the Reign of Elizabeth, the Fourth
"of George the First, the Fifth and Eighth of
"George the Second, as inflicts Capital
"Punishment on certain Offences therein spe-
"cified, and to provide more suitable and
"effectual Punishment for such Offences,"
except so much thereof as relates to the of-
fences made capital by the said Act of Queen
Elizabeth; and another Act passed in the
same year of the present reign, intituled "An 1 G. 4. c. 117.
"Act to repeal so much of an Act passed in
"the Tenth and Eleventh Years of King Wil-
"liam the Third, intituled 'An Act for the
"'better apprehending, prosecuting, and
"'punishing of Felons that commit Burglary,

"'House-breaking, or Robbery in Shops,
"'Warehouses, Coach-houses, or Stables, or
"'that steal Horses,' as takes away the Be-
"nefit of Clergy from Persons privately
"stealing, in any Shop, Warehouse, Coach-
"house, or Stable, any Goods, Wares, or
"Merchandizes of the Value of Five Shil-
"lings; and for more effectually preventing
"the Crime of stealing privately in Shops,
"Warehouses, Coach-houses, or Stables;"
and an Act passed in the third year of the
3 G. 4. c. 24. present reign, intituled "An Act for extend-
"ing the Laws against Receivers of Stolen
"Goods to Receivers of Stolen Bonds, Bank
"Notes, and other Securities for Money;"
and an Act passed in the same year, intituled
3 G. 4. c. 33. "An Act for altering and amending several
"Acts passed in the First and Ninth Years of
"the Reign of King George the First, and in
"the Forty-first, Fifty-second, Fifty-sixth, and
"Fifty-seventh Years of the Reign of His late
"Majesty King George the Third, so far as
"the same relate to the Recovery of Da-
"mages committed by riotous and tumultuous
"Assemblies, and unlawful and malicious
"Offenders;" and the whole of an Act passed
in the same year of the present reign, inti-
3 G. 4. c. 38. tuled "An Act for the further and more ade-
"quate Punishment of Persons convicted of
"Manslaughter, and of Servants convicted of
"robbing their Masters, and of Accessories
"before the Fact to Grand Larceny, and cer-
"tain other Felonies," except so far as relates
to manslaughter; and so much of another
3 G. 4. c. 114. Act passed in the same year, intituled "An
"Act to provide for the more effectual Pu-
"nishment of certain Offences, by Imprison-

"ment with hard Labour," as relates to the punishment for receiving stolen goods, and for obtaining any property as therein mentioned by false pretences; and so much of an Act passed in the same year, intituled "An "Act to amend the General Laws now in "being for regulating Turnpike Roads in "that Part of Great Britain called England," as creates any felony; and the whole of an Act passed in the fourth year of the present reign, intituled "An Act for repealing the "Capital Punishments inflicted by several "Acts of the Sixth and Twenty-seventh Years "of King George the Second, and of the "Third, Fourth, and Twenty-second Years of "King George the Third, and for providing "other Punishments in lieu thereof, and in "lieu of the Punishment of Frame-breaking "under an Act of the Twenty-eighth Year of "the same Reign," except so far as relates to the felonies created by the Acts of the twenty-seventh year of King George the Second and of the third year of King George the Third therein recited; and the whole of an Act passed in the same year of the present reign, intituled "An Act for extending the Benefit "of Clergy to several Larcenies therein men-"tioned," except so far as relates to any person convicted of stealing or embezzling his Majesty's ammunition, sails, cordage, or naval or military stores, or of being accessory to any such offence; and the whole of an Act passed in the same year, intituled "An Act "for allowing the Benefit of Clergy to Per-"sons convicted of certain Felonies under "Two Acts of the Ninth Year of King George "the First and of the Twenty-seventh Year of

3 G. 4. c. 126. s. 128.

4 G. 4. c. 46.

4 G. 4. c. 53.

4 G. 4. c. 54.

"King George the Second; for making better "Provision for the Punishment of Persons "guilty of sending or delivering threatening "Letters, and of Assaults with Intent to com-"mit Robbery," except so far as relates to any person who shall send or deliver any letter or writing threatening to kill or murder, or to burn or destroy, as therein mentioned, or shall be accessory to any such offence, or shall forcibly rescue any person being lawfully in custody for any such offence; and an Act passed in the sixth year of the present reign, intituled "An Act for the Amendment "of the Law as to the Offence of sending "threatening Letters;" and so much of an Act passed in the same year of the present reign, intituled "An Act to alter and amend "an Act for the better Protection of the Pro-"perty of Merchants and others, who may "hereafter enter into Contracts or Agree-"ments in relation to Goods, Wares, or Mer-"chandize entrusted to Factors or Agents," as relates to any misdemeanor therein mentioned; and also an Act passed in the seventh year of the present reign, intituled "An Act "to amend the Law in respect to the Offence "of stealing from Gardens and Hothouses;" and all Acts continuing or perpetuating any of the Acts or parts of Acts herein-before referred to, so far only as relates to the continuing or perpetuating the same respectively, shall be and continue in force until and throughout the last day of June in the present year, and shall from and after that day as to that part of the United Kingdom called England, and as to offences committed within the jurisdiction of the Admiralty of England, be

6 G. 4. c. 19.

6 G. 4. c. 94. s. 7, 8, 9, & 10.

7 G. 4. c. 69.

repealed; except so far as any of the said Acts may repeal the whole or any part of any other Acts; and except as to offences and other matters committed or done before or upon the said last day of June, which shall be dealt with and punished as if this Act had not been passed.

Not to repeal any Act relating to the post-office, the revenue, public stores, bank of England, or south sea company.

II. Provided always, and be it enacted, That nothing in this Act contained shall in anywise affect or alter such part of any Act as relates to the Post Office, or to any branch of the Public Revenue, or to the Naval, Military, Victualling, or other Public Stores of his Majesty, His heirs or successors, except the Acts of the thirty-first year of Queen Elizabeth and of the twenty-second year of King Charles the Second, which are herein-before repealed, or shall affect or alter any Act relating to the Bank of England or South Sea Company.

AN ACT

For further improving the Administration of Justice in Criminal Cases in England.

[21, June 1827.]

WHEREAS trials for Criminal Offences in that part of the united kingdom called England are attended with some forms which frequently impede the due administration of justice, and it is therefore expedient to abolish such forms, and also to abolish the benefit of clergy, and to make better provision for the punishment of offenders in certain cases: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any person, not having privilege of peerage, being arraigned upon any indictment for treason, felony, or piracy, shall plead thereto a plea of "Not Guilty," he shall by such plea, without any further form, be deemed to have put himself upon the country for trial; and the court shall, in the usual manner, order a jury for the trial of such person accordingly.

A plea of "Not Guilty," without more, shall put the prisoner on his trial by Jury.

II. And be it enacted, That if any person, being arraigned upon or charged with any in-

If he refuse to plead, Court may order a

dictment or information for treason, felony, piracy, or misdemeanor, shall stand mute of malice, or will not answer directly to the indictment or information, in every such case it shall be lawful for the court, if it shall so think fit, to order the proper officer to enter a plea of "Not Guilty" on behalf of such person; and the plea so entered shall have the same force and effect as if such person had actually pleaded the same.

plea of "Not Guilty" to be entered.

III. And be it enacted, That if any person indicted for any treason, felony, or piracy, shall challenge peremptorily a greater number of the men returned to be of the jury than such person is entitled by law so to challenge in any of the said cases, every peremptory challenge beyond the number allowed by law in any of the said cases shall be entirely void, and the trial of such person shall proceed as if no such challenge had been made.

Every challenge beyond the legal number shall be void.*

IV. And be it enacted, That no plea setting forth any attainder shall be pleaded in bar of any indictment, unless the attainder be for the same offence as that charged in the indictment.

Attainder of another crime not pleadable.

V. And be it enacted, That where any person shall be indicted for treason or felony, the jury empannelled to try such person shall not be charged to enquire concerning his lands, tenements, or goods, nor whether he fled for such treason or felony.

Jury shall not enquire of prisoner's lands, &c. nor whether he fled.

VI. And be it enacted, That benefit of clergy, with respect to persons convicted of felony,

Benefit of clergy abolished.

* In cases of high and petit treason, the prisoner has thirty-five *peremptory* challenges; in murder and all other felonies, twenty; and in misprision of treason, the point seems to be unsettled.—The right of peremptorily challenging is never allowed to a defendant accused of a mere misdemeanor. 1 Chit. Cr. L. 535.

shall be abolished; but that nothing herein contained shall prevent the joinder in any indictment of any counts which might have been joined before the passing of this Act.

What felonies only shall be capital.

VII. And be it enacted, That no person convicted of felony shall suffer death, unless it be for some felony which was excluded from the benefit of clergy before or on the first* day of the present session of parliament, or which hath been or shall be made punishable with death by some statute passed after that day.

Felonies not capital punishable under the Acts, if any, relating thereto; otherwise under this Act.

VIII. And be it enacted, That every person convicted of any felony, not punishable with death, shall be punished in the manner prescribed by the statute or statutes specially relating to such felony; and that every person convicted of any felony, for which no punishment hath been or hereafter may be specially provided, shall be deemed to be punishable under this Act, and shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years; and, if a male, to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

The court may order hard labour or solitary confinement as part of the sentence of imprisonment.

IX. And, with regard to the place and mode of imprisonment for all offences punishable under this Act, be it enacted, That where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour in the common gaol or house of cor-

* The Session commenced on the 8th day of February, 1827.

rection, and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment, or of such imprisonment with hard labour, as to the court in its discretion shall seem meet.

If a person under sentence for another crime is convicted of felony, the court may pass a second sentence, to commence after the expiration of the first.

X. And be it enacted, That wherever sentence shall be passed for felony on a person already imprisoned under sentence for another crime, it shall be lawful for the court to award imprisonment for the subsequent offence, to commence at the expiration of the imprisonment to which such person shall have been previously sentenced; and where such person shall be already under sentence either of imprisonment or of transportation, the court, if empowered to pass sentence of transportation, may award such sentence for the subsequent offence, to commence at the expiration of the imprisonment or transportation to which such person shall have been previously sentenced, although the aggregate term of imprisonment or transportation respectively may exceed the term for which either of those punishments could be otherwise awarded.

Punishment for a subsequent felony.

XI. And whereas it is expedient to provide for the more exemplary punishment of offenders who commit felony after a previous conviction for felony, whether such conviction shall have taken place before or after the commencement of this Act; be it therefore enacted, That if any person shall be convicted of any felony, not punishable with death, committed after a previous conviction for felony, such person shall, on such subsequent conviction, be liable, at the discretion of the court, to be transported beyond the seas for life, or

for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment; and in an indictment for any such felony committed after a previous conviction for felony, it shall be sufficient to state that the offender was at a certain time and place convicted of felony, without otherwise describing the previous felony; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous felony, purporting to be signed by the clerk of the court, or other officer having the custody of the records of the court where the offender was first convicted, or by the deputy of such clerk or officer (for which certificate a fee of six shillings and eight-pence, and no more, shall be demanded or taken), shall, upon proof of the identity of the person of the offender, be sufficient evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed the same; and if any such clerk, officer, or deputy shall utter a false certificate of any indictment and conviction for a previous felony, or if any person, other than such clerk, officer, or deputy, shall sign any such certificate as such clerk, officer, or deputy, or shall utter any such certificate with a false or counterfeit signature thereto, every such offender shall be guilty of felony, and, being lawfully convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any

Form of indictment for the subsequent felony. What shall be sufficient proof of the first conviction.

Uttering a false certificate of conviction.

Punishment.

term not exceeding two years; and, if a male, to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Admiralty offences.

XII. And be it enacted, That all offences prosecuted in the high court of Admiralty of England shall, upon every first and subsequent conviction, be subject to the same punishments, whether of death or otherwise, as if such offences had been committed upon the land.

Effect of a free or conditional pardon to a convict.

XIII. And be it declared and enacted, That where the King's Majesty shall be pleased to extend his royal mercy to any offender convicted of any felony punishable with death or otherwise, and by warrant under his royal sign manual, countersigned by one of his principal Secretaries of State, shall grant to such offender either a free or a conditional pardon, the discharge of such offender out of custody in the case of a free pardon, and the performance of the condition in the case of a conditional pardon, shall have the effect of a pardon under the great seal for such offender, as to the felony for which such pardon shall be so granted: Provided always, That no free pardon, nor any such discharge in consequence thereof, nor any conditional pardon, nor the performance of the condition thereof, in any of the cases aforesaid, shall prevent or mitigate the punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any felony committed after the granting of any such pardon.

Proviso.

Rule for the interpretation of all criminal statutes.

XIV. And be it enacted, That wherever this or any other statute relating to any offence, whether punishable upon indictment or summary conviction, in describing or referring

to the offence or the subject matter on or with respect to which it shall be committed, or the offender or the party affected or intended to be affected by the offence, hath used or shall use words importing the singular number or the masculine gender only, yet the statute shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and wherever any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where such body shall be the party aggrieved.

Commencement of this Act.

XV. And be it enacted, That this Act shall commence and take effect on the First day of July, one thousand eight hundred and twenty-seven.

Not to extend to Scotland or Ireland.

XVI. Provided always, and be it enacted, That nothing herein contained shall extend to Scotland or Ireland.

7 & 8 GEO. 4. c. 29.

AN ACT

For consolidating and amending the Laws in England relative to Larceny and other offences connected therewith.

[21 June, 1827.]

WHEREAS various statutes now in force in that part of the united kingdom called England, relative to Larceny, and other offences of stealing, and to burglary, robbery, and threats for the purpose of robbery or of extortion, and to embezzlement, false pretences, and the receipt of stolen property, are by an Act of the present session of Parliament repealed from and after the last day of June in the present year, except as to offences committed before or upon that day; and it is expedient that the provisions contained in those various statutes should be amended and consolidated into this Act, to take effect at the same time as the said repealing Act; Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That this Act shall commence on the first day of July in the present year.

Commencement of Act.

Distinction between grand and petty larceny abolished.

II. And be it enacted, That the distinction between grand larceny and petty larceny shall be abolished, and every larceny, whatever be the value of the property stolen, shall be deemed to be of the same nature, and shall be subject to the same incidents in all respects as grand larceny was before the commencement of this Act; and every court whose power as to the trial of larceny was before the commencement of this Act limited to petty larceny, shall have power to try every case of larceny, the punishment of which cannot exceed the punishment herein-after mentioned for simple larceny, and also to try all accessories to such larceny.

Punishments for simple larceny.

III. And be it enacted, That every person convicted of simple larceny, or of any felony hereby made punishable like simple larceny, shall (except in the cases herein-after otherwise provided for) be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit,) in addition to such imprisonment.

The court may for all offences within this Act, order hard labour or solitary confinement.

IV. And, with regard to the place and mode of imprisonment for all indictable offences punishable under this Act; be it enacted, That where any person shall be convicted of any felony or misdemeanor punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or house of correction, and also to direct that the offender shall be kept in so-

litary confinement for the whole or any portion or portions of such imprisonment, or of such imprisonment with hard labour, as to the court in its discretion shall seem meet.

Stealing public or private securities for money, or warrants for goods, shall be felony, and punishable according to the circumstances, like stealing goods.

V. And be it enacted, That if any person shall steal any tally, order, or other security whatsoever, entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, whether of this kingdom, or of Great Britain or of Ireland, or of any foreign state, or in any fund of any body corporate, company, or society, or to any deposit in any savings bank, or shall steal any debenture, deed, bond, bill, note, warrant, order, or other security whatsoever for money or for payment of money, whether of this kingdom or of any foreign state, or shall steal any warrant or order for the delivery or transfer of any goods or valuable thing, every such offender shall be deemed guilty of felony, of the same nature and in the same degree and punishable in the same manner as if he had stolen any chattel of like value with the share, interest, or deposit to which the security so stolen may relate, or with the money due on the security so stolen or secured thereby and remaining unsatisfied, or with the value of the goods or other valuable thing mentioned in the warrant or order; and each of the several documents herein-before enumerated shall throughout this Act be deemed for every purpose to be included under and denoted by the words "valuable security".

Rule of interpretation.

Robbery from the person.

VI. And be it enacted, That if any person shall rob any other person of any chattel, money, or valuable security, every such offender, being convicted thereof, shall suffer death as a

Stealing from the person.

Assaults with intent to commit robbery, and demands accompanied with menaces or force.

felon; and if any person shall steal any such property from the person of another, or shall assault any other person with intent to rob him, or shall with menaces or by force demand any such property of any other person with intent to steal the same, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and if a male, to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Obtaining money, &c. by threatening to accuse a party of an infamous crime.

VII. And be it declared and enacted, That if any person shall accuse or threaten to accuse any other person of any infamous crime, as herein-after defined, with a view or intent to extort or gain from him, and shall by intimidating him by such accusation or threat extort or gain from him any chattel, money, or valuable security, every such offender shall be deemed guilty of robbery, and shall be indicted and punished accordingly.

Sending letters containing menacing demands, or threatening to accuse a party of an infamous crime, to extort money, &c.

VIII. And be it enacted, That if any person shall knowingly send or deliver any letter or writing, demanding of any person, with menaces, and without any reasonable or probable cause, any chattel, money, or valuable security; or if any person shall accuse or threaten to accuse, or shall knowingly send or deliver any letter or writing accusing or threatening to accuse, any person of any crime punishable by law with death, transportation, or pillory, or of any assault with intent to commit any rape, or of any attempt or endeavour

to commit any rape, or of any infamous crime, as herein-after defined, with a view or intent to extort or gain from such person any chattel, money, or valuable security; every such offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and if a male, to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Punishment on conviction.

IX. And, for defining what shall be an infamous crime within the meaning of this Act, be it enacted, That the abominable crime of buggery, committed either with mankind or with beast, and every assault with intent to commit the said abominable crime, and every attempt or endeavour to commit the said abominable crime, and every solicitation, persuasion, promise, or threat offered or made to any person, whereby to move or induce such person to commit or permit the said abominable crime, shall be deemed to be an infamous crime within the meaning of this Act.

What shall be deemed an infamous crime.

X. And be it enacted, That if any person shall break and enter any church or chapel, and steal therein any chattel, or having stolen any chattel in any church or chapel, shall break out of the same, every such offender, being convicted thereof, shall suffer death as a felon.

Sacrilege, when capital.

XI. And be it enacted, That every person convicted of burglary shall suffer death as a felon; and it is hereby declared, that if any person shall enter the dwelling house of an-

Burglary, capital.

other with intent to commit felony, or being in such dwelling house shall commit any felony, and shall in either case break out of the said dwelling-house, in the night-time, such person shall be deemed guilty of burglary.

Definition of.

House-breaking and stealing in a house, when capital.

XII. And be it enacted, That if any person shall break and enter any dwelling-house, and steal therein any chattel, money, or valuable security to any value whatever; or shall steal any such property to any value whatever in any dwelling house, any person therein being put in fear; or shall steal in any dwelling house any chattel, money, or valuable security to the value in the whole of five pounds or more; every such offender, being convicted thereof, shall suffer death as a felon.

What buildings only are part of a house for capital purposes.

XIII. Provided always, and be it enacted, That no building, although within the same curtilage with the dwelling house, and occupied therewith, shall be deemed to be part of such dwelling house for the purpose of burglary, or for any of the purposes aforesaid, unless there shall be a communication between such building and dwelling house, either immediate, or by means of a covered and inclosed passage leading from the one to the other.

Robbery in any building within the same curtilage as the house, but not privileged as part of the house.

XIV. And be it enacted, That if any person shall break and enter any building, and steal therein any chattel, money, or valuable security, such building being within the curtilage of a dwelling house, and occupied therewith, but not being part thereof according to the provision herein-before mentioned, every such offender, being convicted thereof, either upon an indictment for the same offence, or upon an indictment for burglary, housebreaking, or stealing to the value of five pounds in a dwelling house, containing a separate count

Punishment on conviction.

for such offence, shall be liable, at the discretion of the court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and if a male, to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Robbery in a shop, warehouse, or counting-house.

XV. And be it enacted, That if any person shall break and enter any shop, warehouse, or counting house, and steal therein any chattel, money, or valuable security, every such offender, being convicted thereof, shall be liable to any of the punishments which the court may award as herein-before last mentioned.

Stealing certain goods in process of manufacture.

XVI. And be it enacted, That if any person shall steal, to the value of ten shillings, any goods or article of silk, woollen, linen, or cotton, or of any one or more of those materials mixed with each other, or mixed with any other material, whilst laid, placed, or exposed, during any stage, process, or progress of manufacture, in any building, field, or other place, every such offender, being convicted thereof, shall be liable to any of the punishments which the Court may award as herein-before last mentioned.

Stealing goods from a vessel in a port, river, or canal, &c.

XVII. And be it enacted, That if any person shall steal any goods or merchandize in any vessel, barge, or boat of any description whatsoever, in any port of entry or discharge, or upon any navigable river or canal, or in any creek belonging to or communicating with any such port, river, or canal, or shall steal any goods or merchandize from any dock, wharf, or quay adjacent to any such port, river, canal, or creek, every such offender,

being convicted thereof, shall be liable to any of the punishments which the court may award as herein-before last mentioned.

Plundering or stealing any part of the tackle or cargo of a ship-wrecked vessel.

XVIII. And be it enacted, That if any person shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel, every such offender, being convicted thereof, shall suffer death as a felon: Provided always, That when articles of small value shall be stranded or cast on shore, and shall be stolen without circumstances of cruelty, outrage, or violence, it shall be lawful to prosecute and punish the offender as for simple larceny; and in either case the offender may be indicted and tried either in the county in which the offence shall have been committed, or in any county next adjoining.

Proviso, if articles stolen without circumstances of cruelty, &c.

Persons in possession of shipwrecked goods not giving a satisfactory account.*

XIX. And be it enacted, That if any goods, merchandize, or articles of any kind, belonging to any ship or vessel in distress, or wrecked, stranded, or cast on shore as aforesaid, shall, by virtue of a search warrant, to be granted as herein-after mentioned, be found in the possession of any person, or on the premises of any person with his knowledge, and such person, being carried before a justice of the peace, shall not satisfy the justice that he came lawfully by the same, then the same shall, by order of the justice, be forthwith delivered over to or for the use of the rightful owner

* See s. 63, *post*, p. 104. As to the apprehension of offender without a warrant. And as to justice granting search-warrant. And s. 66, 7, *post*, p. 106, 7. As to application of forfeitures and penalties on summary convictions, and power of justice to imprison in case of non-payment.

thereof; and the offender, on conviction of such offence before the justice, shall forfeit and pay, over and above the value of the goods, merchandize, or articles, such sum of money, not exceeding twenty pounds, as to the justice shall seem meet.

If any person offers shipwrecked goods for sale, the goods may be seized, &c.

XX. And be it enacted, That if any person shall offer or expose for sale any goods, merchandize, or articles whatsoever, which shall have been unlawfully taken, or reasonably suspected so to have been, from any ship or vessel in distress, or wrecked, stranded, or cast on shore as aforesaid, in every such case any person to whom the same shall be offered for sale, or any officer of the customs or excise, or peace officer, may lawfully seize the same, and shall with all convenient speed carry the same, or give notice of such seizure, to some justice of the peace; and if the person who shall have offered or exposed the same for sale, being duly summoned by such justice, shall not appear and satisfy the justice that he came lawfully by such goods, merchandize, or articles, then the same shall, by order of the justice, be forthwith delivered over to or for the use of the rightful owner thereof, upon payment of a reasonable reward (to be ascertained by the justice) to the person who seized the same; and the offender, on conviction of such offence by the justice, shall forfeit and pay, over and above the value of the goods, merchandize, or articles, such sum of money, not exceeding twenty pounds, as to the justice shall seem meet.

And possession not satisfactorily accounted for.

The stealing, &c. of records and other proceedings of Courts of justice.

XXI. And be it enacted, That if any person shall steal, or shall for any fraudulent purpose take from its place of deposit for the time

being, or from any person having the lawful custody thereof, or shall unlawfully and maliciously obliterate, injure, or destroy, any record, writ, return, panel, process, interrogatory, deposition, affidavit, rule, order, or warrant of attorney, or any original document whatsoever of or belonging to any court of record, or relating to any matter civil or criminal, begun, depending, or terminated in any such court, or any bill, answer, interrogatory, deposition, affidavit, order, or decree, or any original document whatsoever of or belonging to any court of equity, or relating to any cause or matter begun, depending, or terminated in any such court, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to suffer such other punishment by fine or imprisonment, or by both, as the court shall award; and it shall not in any indictment for such offence be necessary to allege that the article, in respect of which the offence is committed, is the property of any person, or that the same is of any value.

Misdemeanor.

Punishment.

The stealing, &c. of wills.

XXII. And be it enacted, That if any person shall, either during the life of the testator or testatrix, or after his or her death, steal, or for any fraudulent purpose destroy or conceal, any will, codicil, or other testamentary instrument, whether the same shall relate to real or personal estate, or to both, every such offender shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable to any of the punishments which the court may award, as herein-before last mentioned;

Misdemeanor.

Punishment.

and it shall not in any indictment for such offence be necessary to allege that such will, codicil, or other instrument, is the property of any person, or that the same is of any value.

The stealing of writings relating to real estate.

XXIII. And be it enacted, That if any person shall steal any paper or parchment, written or printed, or partly written and partly printed, being evidence of the title or of any part of the title to any real estate, every such offender shall be deemed guilty of a misdemeanor, and, being convicted thereof, shall be liable to any of the punishments which the Court may award, as herein-before last mentioned; and in any indictment for such offence, it shall be sufficient to allege the thing stolen to be evidence of the title, or of part of the title, of the person or of some one of the persons having a present interest, whether legal or equitable, in the real estate to which the same relates, and to mention such real estate, or some part thereof; and it shall not be necessary to allege the thing stolen to be of any value.

Misdemeanor.

Punishment.

Indictment for such offence.

These provisions as to wills and writings shall not lessen any remedy which the aggrieved now has.

XXIV. Provided always, and be it enacted, That nothing in this Act contained relating to either of the misdemeanors aforesaid, nor any proceeding, conviction, or judgment to be had or taken thereupon, shall prevent, lessen, or impeach any remedy at law or in equity which any party aggrieved by any such offence might or would have had if this Act had not been passed; but nevertheless the conviction of any such offender shall not be received in evidence in any action at law or suit in equity against him; and no person shall be liable to be convicted of either of the misdemeanors aforesaid, by any evidence whatever, in respect

of any act done by him, if he shall at any time previously to his being indicted for such offence have disclosed such Act, on oath, in consequence of any compulsory process of any court of law or equity in any action, suit, or proceeding which shall have been *bonâ fide* instituted by any party aggrieved, or if he shall have disclosed the same in any examination or deposition before any commissioners of bankrupt.

Stealing horses, cows, and sheep, &c.

XXV. And be it enacted, That if any person shall steal any horse, mare, gelding, colt or filly, or any bull, cow, ox, heifer or calf, or any ram, ewe, sheep or lamb, or shall wilfully kill any of such cattle, with intent to steal the carcase or skin or any part of the cattle so killed, every such offender shall be guilty of felony, and, being convicted thereof, shall suffer death as a felon.

Felony.

Stealing, &c. deer in any inclosed ground, felony.

XXVI. And be it enacted, That if any person shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt to kill or wound, any deer kept or being in the inclosed part of any forest, chace, or purlieu, or in any inclosed land wherein deer shall be usually kept, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny; and if any person shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt to kill or wound, any deer kept or being in the uninclosed part of any forest, chace, or purlieu, he shall for every such offence, on conviction thereof before a justice of the peace, forfeit and pay such sum, not exceeding fifty pounds, as to the jus-

The like in certain uninclosed ground punishable summarily.

See *post*, s. 66 & 67.

tice shall seem meet; and if any person who shall have been previously convicted of any offence relating to deer for which a pecuniary penalty is by this Act imposed, shall offend a second time, by committing any of the offences herein-before last enumerated, such second offence, whether it be of the same description as the first offence or not, shall be deemed felony, and such offender, being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny.

Deer-stealing in unenclosed ground after any other offence as to deer, felony.

XXVII. And be it enacted, That if any deer, or the head, skin, or other part thereof, or any snare or engine for the taking of deer, shall by virtue of a search warrant, to be granted as herein-after mentioned, be found in the possession of any person or on the premises of any person with his knowledge, and such person, being carried before a justice of the peace, shall not satisfy the justice that he came lawfully by such deer, or the head, skin, or other part thereof, or had a lawful occasion for such snare or engine, and did not keep the same for any unlawful purpose, he shall, on conviction by the justice, forfeit and pay any sum not exceeding twenty pounds; and if any such person shall not under the provisions aforesaid be liable to conviction, then, for the discovery of the party who actually killed or stole such deer, it shall be lawful for the justice, at his discretion, as the evidence given and the circumstances of the case shall require, to summon before him every person through whose hands such deer,

Suspected persons, found in possession of venison, &c. and not satisfactorily accounting for it.*

In case they cannot be convicted, how the justice may proceed.

* See s. 63, *post*, p. 104, as to the apprehension of offenders without a warrant. And as to justice granting search warrant. And s. 66, 7, *post*, p. 105, 7, as to application of forfeitures and penalties on summary convictions, and power of justice to imprison in case of non-payment.

or the head, skin, or other part thereof, shall appear to have passed; and if the person from whom the same shall have been first received, or who shall have had possession thereof, shall not satisfy the justice that he came lawfully by the same, he shall, on conviction by the justice, be liable to the payment of such sum of money as is herein-before last mentioned.

Setting engines for taking deer, or pulling down park fences.*

XXVIII. And be it enacted, That if any person shall unlawfully and wilfully set or use any snare or engine whatsoever, for the purpose of taking or killing deer, in any part of any forest, chace, or purlieu, whether such part be inclosed or not, or in any fence or bank dividing the same from any land adjoining, or in any inclosed land where deer shall be usually kept, or shall unlawfully and wilfully destroy any part of the fence of any land where any deer shall be then kept, every such offender, being convicted thereof before a justice of the peace, shall forfeit and pay such sum of money, not exceeding twenty pounds, as to the justice shall seem meet.

Deer-keepers, &c. may seize the guns, &c. of offenders who, on demand, do not deliver up the same.

XXIX. And be it enacted, That if any person shall enter into any forest, chace, or purlieu, whether inclosed or not, or into any inclosed land where deer shall be usually kept, with intent unlawfully to hunt, course, wound, kill, snare, or carry away any deer, it shall be lawful for every person entrusted with the care of such deer, and for any of his assistants, whether in his presence or not, to demand from every such offender any gun, fire-arms, snare, or engine in his possession, and any dog there brought for hunting,

* See s. 66, 7, *post*, p. 106, 7. As to application of forfeitures and penalties on ensuing convictions, and consequences of non-payment.

coursing, or killing deer, and in case such offender shall not immediately deliver up the same, to seize and take the same from him in any of those respective places, or, upon pursuit made, in any other place to which he may have escaped therefrom, for the use of the owner of the deer; and if any such offender shall unlawfully beat or wound any person entrusted with the care of the deer, or any of his assistants, in the execution of any of the powers given by this Act, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny.

Resistance to keepers, &c. in the execution of their duty.

Punishment.

XXX. And be it enacted, That if any person shall unlawfully and wilfully in the night-time take or kill any hare or coney in any warren or ground lawfully used for the breeding or keeping of hares or conies, whether the same be inclosed or not, every such offender shall be guilty of a misdemeanor, and, being convicted thereof, shall be punished accordingly; and if any person shall unlawfully and wilfully in the day-time take or kill any hare or coney in any such warren or ground, or shall at any time set or use therein any snare or engine for the taking of hares or conies, every such offender, being convicted thereof before a justice of the peace, shall forfeit and pay such sum of money, not exceeding five pounds, as to the justice shall seem meet: Provided always, That nothing herein contained shall affect any person taking or killing in the day-time any conies on any sea bank or river bank in the county of Lincoln, so far as the tide shall extend, or within one furlong of such bank.

Killing, &c. hares or conies in a warren in the night-time.*

The like in the day-time.

Proviso.

* See s. 66, 7. *post*, p. 166, 7.

Stealing dogs, or stealing beasts or birds ordinarily kept in confinement, and not the subjects of larceny.*

XXXI. And be it enacted, That if any person shall steal any dog, or shall steal any beast or bird ordinarily kept in a state of confinement, not being the subject of larceny at common law, every such offender, being convicted thereof before a justice of the peace, shall for the first offence forfeit and pay, over and above the value of the dog, beast or bird, such sum of money, not exceeding twenty pounds, as to the justice shall seem meet: and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term, not exceeding twelve calendar months, as the convicting justice shall think fit; and if such subsequent conviction shall take place before two justices, they may further order the offender, if a male, to be once or twice publicly or privately whipped, after the expiration of four days from the time of such conviction.

Punishment.

Persons found in possession of stolen dogs, &c. liable to penalties.†

XXXII. And be it enacted, That if any dog or any such beast, or the skin thereof, or any such bird, or any of the plumage thereof, shall be found in the possession or on the premises of any person by virtue of a search warrant, to be granted as herein-after mentioned, the justice by whom such warrant was granted may restore the same respectively to the owner thereof; and the person in whose possession or on whose premises the same shall be so found (such person knowing that the dog, beast, or bird has been stolen, or that the skin is the skin of a stolen dog or beast, or that

* See note, *ante*, p. 81. † See note, *ante*, p. 81.

the plumage is the plumage of a stolen bird) shall, on conviction before a justice of the peace, be liable for the first offence to such forfeiture, and for every subsequent offence to such punishment, as persons convicted of stealing any dog, beast, or bird are herein before made liable to.

Killing pigeons.*

XXXIII. And be it enacted, That if any person shall unlawfully and wilfully kill, wound, or take any house-dove or pigeon, under such circumstances as shall not amount to larceny at common law, every such offender, being convicted thereof before a justice of the peace, shall forfeit and pay, over and above the value of the bird, any sum not exceeding two pounds.

Taking fish in any water situated in land belonging to a dwelling house;

XXXIV. And be it enacted, That if any person shall unlawfully and wilfully take or destroy any fish in any water which shall run through or be in any land adjoining or belonging to the dwelling house of any person being the owner of such water, or having a right of fishery therein, every such offender shall be guilty of a misdemeanor, and, being convicted thereof, shall be punished accordingly; and if any person shall unlawfully and wilfully take or destroy, or attempt to take or destroy, any fish in any water not being such as aforesaid, but which shall be private property, or in which there shall be any private right of fishery, every such offender, being convicted thereof before a justice of the peace, shall forfeit and pay, over and above the value of the fish taken or destroyed (if any), such sum of money, not exceeding five pounds, as to the justice shall seem meet: Provided all

in any private fishery elsewhere.

See *post*, s. 66 & 67.

Provision respecting Anglers.

* See note, *ante*, p. 81.

ways, that nothing herein-before contained shall extend to any person angling in the day-time; but if any person shall by angling in the day-time unlawfully and wilfully take or destroy, or attempt to take or destroy, any fish in any such water as first mentioned, he shall, on conviction before a justice of the peace, forfeit and pay any sum not exceeding five pounds; and if in any such water as last-mentioned, he shall, on the like conviction, forfeit and pay any sum not exceeding two pounds, as to the justice shall seem meet; and if the boundary of any parish, township, or vill shall happen to be in or by the side of any such water as is herein-before mentioned, it shall be sufficient to prove that the offence was committed either in the parish, township, or vill named in the indictment or information, or in any parish, township, or vill adjoining thereto.

See *post*, s. 66 & 67.

The tackle of fishers may be seized.

XXXV. And be it enacted, That if any person shall at any time be found fishing against the provisions of this Act, it shall be lawful for the owner of the ground, water, or fishery where such offender shall be so found, his servants, or any person authorized by him, to demand from such offender any rods, lines, hooks, nets, or other implements for taking or destroying fish, which shall then be in his possession, and in case such offender shall not immediately deliver up the same, to seize and take the same from him for the use of such owner: Provided always, That any person angling in the day-time against the provisions of this Act, from whom any implements used by anglers shall be taken, or by whom the same shall be delivered up as aforesaid, shall by the taking or delivering thereof be ex-

Angler, on seizure of his tackle, exempt from penalty.

empted from the payment of any damages or penalty for such angling.

XXXVI. And be it enacted, That if any person shall steal any oysters or oyster brood from any oyster bed, laying, or fishery, being the property of any other person, and sufficiently marked out or known as such, every such offender shall be deemed guilty of larceny, and, being convicted thereof, shall be punished accordingly; and if any person shall unlawfully and wilfully use any dredge, or any net, instrument, or engine whatsoever, within the limits of any such oyster fishery, for the purpose of taking oysters or oyster brood, although none shall be actually taken, or shall, with any net, instrument, or engine, drag upon the ground or soil of any such fishery, every such person shall be deemed guilty of a misdemeanor, and, being convicted thereof, shall be punished by fine or imprisonment, or both, as the court shall award; such fine not to exceed twenty pounds, and such imprisonment not to exceed three calendar months; and it shall be sufficient in any indictment or information to describe, either by name or otherwise, the bed, laying, or fishery in which any of the said offences shall have been committed, without stating the same to be in any particular parish, township, or vill: Provided always, That nothing herein contained shall prevent any person from catching or fishing for any floating fish within the limits of any oyster fishery with any net, instrument, or engine adapted for taking floating fish only.

Stealing oysters or oyster brood from oyster beds.

Dredging for oysters within the limits of any oyster fishery.

Punishment.

Proviso.

XXXVII. And be it enacted, That if any person shall steal, or sever with intent to steal, the ore of any metal, or any lapis calaminaris,

Stealing from certain mines.

manganese or mundick, or any wad, black cawke, or black lead, or any coal or cannel coal, from any mine, bed, or vein thereof respectively, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny.

Felony.

Stealing trees, shrubs, &c. growing in certain situations, shall be felony, if the value exceeds 1*l.*

XXXVIII. And be it enacted, That if any person shall steal, or shall cut, break, root up, or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, respectively growing in any park, pleasure ground, garden, orchard, or avenue, or in any ground adjoining or belonging to any dwelling house, every such offender (in case the value of the article or articles stolen, or the amount of the injury done, shall exceed the sum of one pound) shall be guilty of felony, and, being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny;

Stealing trees, shrubs, &c. growing elsewhere, shall be felony, if the value exceeds 5*l.*

and if any person shall steal, or shall cut, break, root up, or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, respectively growing elsewhere than in any of the situations herein-before mentioned, every such offender (in case the value of the article or articles stolen, or the amount of the injury done, shall exceed the sum of five pounds) shall be guilty of felony, and, being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny.

Stealing trees, shrubs, &c. wheresoever growing, and of any value above 1*s.*, punishable on summary

XXXIX. And be it enacted, That if any person shall steal, or shall cut, break, root up, or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sap-

ling, or shrub, or any underwood, wherever the same may be respectively growing, the stealing of such article or articles, or the injury done, being to the amount of a shilling at the least, every such offender, being convicted before a justice of the peace, shall for the first offence forfeit and pay, over and above the value of the article or articles stolen, or the amount of the injury done, such sum of money, not exceeding five pounds, as to the justice shall seem meet; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall for such second offence be committed to the common gaol or house of correction, there to be kept to hard labour for such term, not exceeding twelve calendar months, as the convicting justice shall think fit; and if such second conviction shall take place before two justices, they may further order the offender, if a male, to be once or twice publicly or privately whipped, after the expiration of four days from the time of such conviction; and if any person so twice convicted shall afterwards commit any of the said offences, such offender shall be deemed guilty of felony, and, being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny.

Conviction for first and second offence; third offence felony.*

XL. And be it enacted, That if any person shall steal, or shall cut, break, or throw down with intent to steal, any part of any live or dead fence, or any wooden post, pale, or rail set up or used as a fence, or any stile or gate,

Stealing, &c. any live or dead fence, wooden fence, stile, or gate.†

* See note, *ante*, p. 81. † See note, *ante*, p. 81.

or any part thereof respectively, every such offender, being convicted before a justice of the peace, shall for the first offence forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money, not exceeding five pounds, as to the justice shall seem meet; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term, not exceeding twelve calendar months, as the convicting justice shall think fit; and if such subsequent conviction shall take place before two justices, they may further order the offender, if a male, to be once or twice publicly or privately whipped, after the expiration of four days from the time of such conviction.

Suspected persons in possession of wood, &c. not satisfactorily accounting for it.*

XLII. And be it enacted, That if the whole or any part of any tree, sapling, or shrub, or any underwood, or any part of any live or dead fence, or any post, pale, rail, stile, or gate, or any part thereof, being of the value of two shillings at the least, shall, by virtue of a search warrant, to be granted as hereinafter mentioned, be found in the possession of any person, or on the premises of any person, with his knowledge, and such person, being carried before a justice of the peace, shall not satisfy the justice that he came lawfully by the same, he shall on conviction by the justice forfeit and pay, over and above the value of the article or articles so found, any sum not exceeding two pounds.

* See note, *ante*, p. 81.

XLII. And be it enacted, That if any person shall steal, or shall destroy or damage with intent to steal, any plant, root, fruit, or vegetable production, growing in any garden, orchard, nursery ground, hothouse, greenhouse, or conservatory, every such offender, being convicted thereof before a justice of the peace, shall, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six calendar months, or else shall forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money, not exceeding twenty pounds, as to the justice shall seem meet; and if any person so convicted shall afterwards commit any of the said offences, such offender shall be deemed guilty of felony, and, being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny.

Stealing, &c. any fruit or vegetable production in a garden, &c. punishable on summary conviction for first offence; second offence, felony.*

XLIII. And be it enacted, That if any person shall steal, or shall destroy or damage with intent to steal, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or inclosed, not being a garden, orchard, or nursery ground, every such offender, being convicted before a justice of the peace, shall, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding one calendar month, or else shall forfeit and

Stealing, &c. vegetable productions not growing in Gardens, &c.†

Punishment.

* See note, *ante*, p. 81. † See note, *ante*, p. 81.

pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money, not exceeding twenty shillings, as to the justice shall seem meet, and in default of payment thereof, together with the costs (if ordered) shall be committed as aforesaid, for any term not exceeding one calendar month, unless payment be sooner made; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term, not exceeding six calendar months, as the convicting justice shall think fit; and if such subsequent conviction shall take place before two justices, they may further order the offender, if a male, to be once or twice publicly or privately whipped, after the expiration of four days from the time of such conviction.

Stealing glass, wood-work, or fixtures of any kind from buildings, and metal fixtures from grounds, felony.

XLIV. And be it enacted, That if any person shall steal, or rip, cut, or break with intent to steal, any glass or wood-work belonging to any building whatsoever, or any lead, iron, copper, brass, or other metal, or any utensil or fixture, whether made of metal or other material, respectively fixed in or to any building whatsoever, or any thing made of metal fixed in any land being private property, or for a fence to any dwelling-house, garden, or area, or in any square, street, or other place dedicated to public use or ornament, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny; and in case of any such thing

fixed in any square, street, or other like place, it shall not be necessary to allege the same to be the property of any person.

Tenants and lodgers stealing any property from houses or apartments let to them, felony.

XLV. And for the punishment of depredations committed by tenants and lodgers, be it enacted, That if any person shall steal any chattel or fixture let to be used by him or her in or with any house or lodging, whether the contract shall have been entered into by him or her, or by her husband, or by any person on behalf of him or her, or her husband, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny; and in every such case of stealing any chattel, it shall be lawful to prefer an indictment in the common form as for larceny, and in every such case of stealing any fixture, to prefer an indictment in the same form as if the offender were not a tenant or lodger, and in either case to lay the property in the owner or person letting to hire.

Punishment.

Clerks and servants, stealing property of their masters.

XLVI. And, for the punishment of depredations committed by clerks and servants in cases not punishable capitally, be it enacted, That if any clerk or servant shall steal any chattel, money, or valuable security belonging to or in the possession or power of his master, every such offender, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for any term not exceeding fourteen years, non less than seven years, or to be imprisoned for any term not exceeding three years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Punishment.

Clerks or servants receiving any money,

XLVII. And, for the punishment of embez-

&c. on their master's account, and embezzling it, shall be deemed to have feloniously stolen it.

zlements committed by clerks and servants, be it declared and enacted, That if any clerk or servant, or any person employed for the purpose or in the capacity of a clerk or servant, shall, by virtue of such employment, receive or take into his possession any chattel, money, or valuable security, for or in the name or on the account of his master, and shall fraudulently embezzle the same, or any part thereof, every such offender shall be deemed to have feloniously stolen the same from his master, although such chattel, money, or security was not received into the possession of such master otherwise than by the actual possession of his clerk, servant, or other person so employed; and every such offender, being convicted thereof, shall be liable, at the discretion of the court, to any of the punishments which the court may award as herein-before last mentioned.

Punishment.

Distinct acts of embezzlement may be charged in the same indictment.

XLVIII. And, for preventing the difficulties that have been experienced in the prosecution of the last-mentioned offenders, be it enacted, That it shall be lawful to charge in the indictment and proceed against the offender for any number of distinct acts of embezzlement not exceeding three, which may have been committed by him against the same master, within the space of six calendar months from the first to the last of such acts; and in every such indictment, except where the offence shall relate to any chattel, it shall be sufficient to allege the embezzlement to be of money, without specifying any particular coin or valuable security; and such allegation, so far as regards the description of the property, shall be sustained, if the offender shall be proved to have embezzled any amount, al-

As to allegation and proof of the property embezzled.

though the particular species of coin or valuable security of which such amount was composed shall not be proved; or if he shall be proved to have embezzled any piece of coin or valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, and such part shall have been returned accordingly.

Agents embezzling money entrusted to them to be applied to any special purpose;

XLIX. And, for the punishment of embezzlements committed by agents entrusted with property, be it enacted, That if any money, or security for the payment of money, shall be entrusted to any banker, merchant, broker, attorney, or other agent, with any direction in writing to apply such money, or any part thereof, or the proceeds or any part of the proceeds of such security, for any purpose specified in such direction, and he shall, in violation of good faith, and contrary to the purpose so specified, in anywise convert to his own use or benefit such money, security, or proceeds, or any part thereof respectively, every such offender shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for any term not exceeding fourteen years, nor less than seven years, or to suffer such other punishment, by fine or imprisonment, or by both, as the court shall award; and if any chattel or valuable security, or any power of attorney for the sale or transfer of any share or interest in any public stock or fund, whether of this kingdom, or of Great Britain or of Ireland, or of any foreign state, or in any fund of any body

or embezzling any goods or valuable security entrusted to them for safe custody, or for any special purpose, guilty of a misdemeanor.

corporate, company, or society, shall be entrusted to any banker, merchant, broker, attorney or other agent, for safe custody, or for any special purpose, without any authority to sell, negotiate, transfer, or pledge, and he shall, in violation of good faith and contrary to the object or purpose for which such chattel, security, or power of attorney shall have been entrusted to him, sell, negotiate, transfer, pledge, or in any manner convert to his own use or benefit such chattel or security, or the proceeds of the same, or any part thereof, or the share or interest in the stock or fund to which such power of attorney shall relate, or any part thereof, every such offender shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the court, to any of the punishments which the court may award, as herein-before last mentioned.

Punishment.

Not to affect trustees or mortgagees;

L. Provided always, and be it enacted, That nothing herein-before contained relating to agents shall affect any trustee in or under any instrument whatever, or any mortgagee of any property, real or personal, in respect of any act done by such trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage; nor shall restrain any banker, merchant, broker, attorney, or other agent, from receiving any money which shall be or become actually due and payable upon or by virtue of any valuable security, according to the tenor and effect thereof, in such manner as he might have done if this Act had not been passed; nor from selling, transferring, or otherwise disposing of any securities or effects in his possession, upon which he shall have any lien,

nor bankers, &c. receiving money due on securities,

or disposing of securities on which they have a lien.

claim, or demand entitling him by law so to do, unless such sale, transfer, or other disposal shall extend to a greater number or part of such securities or effects than shall be requisite for satisfying such lien, claim, or demand.

Factors pledging for their own use any goods or documents relating to goods entrusted to them for the purpose of sale, guilty of a misdemeanor.

LI. And be it enacted, That if any factor or agent entrusted, for the purpose of sale, with any goods or merchandize, or entrusted with any bill of lading, warehouse keeper's or wharfinger's certificate, or warrant or order for delivery of goods or merchandize, shall, for his own benefit and in violation of good faith, deposit or pledge any such goods or merchandize, or any of the said documents, as a security for any money or negotiable instrument borrowed or received by such factor or agent, at or before the time of making such deposit or pledge, or intended to be thereafter borrowed or received, every such offender shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for any term not exceeding fourteen years nor less than seven years, or to suffer such other punishment by fine or imprisonment, or by both, as the court shall award;

Not to extend to cases where the pledge does not exceed the amount of their lien.

but no such factor or agent shall be liable to any prosecution for depositing or pledging any such goods or merchandize, or any of the said documents, in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which, at the time of such deposit or pledge, was justly due and owing to such factor or agent from his principal, together with the amount of any bill or bills of exchange drawn

by or on account of such principal, and accepted by such factor or agent.

These provisions as to agents shall not lessen any remedy which the party aggrieved now has.

LII. Provided always, and be it enacted, That nothing in this Act contained, nor any proceeding, conviction, or judgment to be had or taken thereupon, against any banker, merchant, broker, factor, attorney, or other agent as aforesaid, shall prevent, lessen, or impeach any remedy at law or in equity which any party aggrieved by any such offence might or would have had if this Act had not been passed; but nevertheless the conviction of any such offender shall not be received in evidence in any action at law or suit in equity against him; and no banker, merchant, broker, factor, attorney, or other agent as aforesaid, shall be liable to be convicted by any evidence whatever as an offender against this Act, in respect of any act done by him, if he shall at any time previously to his being indicted for such offence have disclosed such act, on oath, in consequence of any compulsory process of any court of law or equity in any action, suit, or proceeding which shall have been *bona fide* instituted by any party aggrieved, or if he shall have disclosed the same in any examination or deposition before any commissioners of bankrupt.

Obtaining money, &c. by false pretences, a misdemeanor.

LIII. And whereas a failure of justice frequently arises from the subtle distinction between larceny and fraud; for remedy thereof be it enacted, That if any person shall by any false pretence obtain from any other person any chattel, money, or valuable security, with intent to cheat or defraud any person of the same, every such offender shall be guilty of a misdemeanor, and, being con-

victed thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to suffer such other punishment, by fine or imprisonment, or by both, as the court shall award: Provided always, That if upon the trial of any person indicted for such misdemeanor it shall be proved that he obtained the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted of such misdemeanor; and no such indictment shall be removable by certiorari; and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for larceny upon the same facts.

No acquittal on the ground that the case proved amounts to larceny.

LIV. And, with regard to receivers of stolen property, be it enacted, That if any person shall receive any chattel, money, valuable security, or other property whatsoever, the stealing or taking whereof shall amount to a felony, either at common law, or by virtue of this Act, such person knowing the same to have been feloniously stolen or taken, every such receiver shall be guilty of felony, and may be indicted and convicted either as an accessory after the fact, or for a substantive felony, and in the latter case, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice; and every such receiver, howsoever convicted, shall be liable, at the discretion of the court, to be transported beyond the seas for any term not exceeding fourteen years nor less than seven years, or to be imprisoned for any term not exceeding three years, and, if a male, to be once, twice,

Where the original offence is felony, the receivers of stolen property may be tried either as accessories after the fact, or for a substantive felony.

Punishment.

or thrice publicly or privately whipped (if the court shall so think fit) in addition to such imprisonment: Provided always, That no person, howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a second time for the same offence.

Where the original offence is a misdemeanor, receivers may be prosecuted for a misdemeanor.

LV. And be it enacted, That if any person shall receive any chattel, money, valuable security, or other property whatsoever, the stealing, taking, obtaining, or converting whereof is made an indictable misdemeanor by this Act, such person knowing the same to have been unlawfully stolen, taken, obtained, or converted, every such receiver shall be guilty of a misdemeanor, and may be indicted and convicted thereof, whether the person guilty of the principal misdemeanor shall or shall not have been previously convicted thereof, or shall or shall not be amenable to justice; and every such receiver shall, on conviction, be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit) in addition to such imprisonment.

Punishment.

All receivers may be tried where the principal is triable, or where the property is found in their possession, as well as where the receiving takes place.

LVI. And be it enacted, That if any person shall receive any chattel, money, valuable security, or other property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained or converted, every such person, whether charged as an accessory after the fact to the felony, or with a substantive felony, or with a misdemeanor only, may be dealt with, indicted, tried, and punished in any county or place in

which he shall have or shall have had any such property in his possession, or in any county or place in which the party guilty of the principal felony or misdemeanor may by law be tried, in the same manner as such receiver may be dealt with, indicted, tried, and punished in the county or place where he actually received such property.

The owner of stolen property prosecuting thief or receiver to conviction shall have restitution of his property.

LVII. And, to encourage the prosecution of offenders, be it enacted, That if any person, guilty of any such felony or misdemeanor as aforesaid, in stealing, taking, obtaining, or converting, or in knowingly receiving any chattel, money, valuable security, or other property whatsoever, shall be indicted for any such offence, by or on the behalf of the owner of the property, or his executor or administrator, and convicted thereof, in such case the property shall be restored to the owner or his representative; and the court, before whom any such person shall be so convicted, shall have power to award from time to time writs of restitution for the said property, or to order the restitution thereof in a summary manner: Provided always, That if it shall appear before any award or order made that any valuable security shall have been *bona fide* paid or discharged by some person or body corporate liable to the payment thereof, or being a negotiable instrument shall have been *bona fide* taken or received by transfer or delivery, by some person or body corporate, for a just and valuable consideration, without any notice, or without any reasonable cause to suspect that the same had by any felony or misdemeanor been stolen, taken, obtained, or converted as aforesaid, in such case the court

Exception.

shall not award an order the restitution of such security.

Taking a reward for helping to the recovery of stolen property without bringing the offender to trial.

LVIII. And be it enacted, That every person who shall corruptly take any money or reward, directly or indirectly, under pretence or upon account of helping any person to any chattel, money, valuable security, or other property whatsoever, which shall by any felony or misdemeanor have been stolen, taken, obtained, or converted as aforesaid, shall (unless he cause the offender to be apprehended and brought to trial for the same) be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit) in addition to such imprisonment.

Advertising a reward for the return of stolen property, &c.

LIX. And be it enacted, That if any person shall publicly advertise a reward for the return of any property whatsoever, which shall have been stolen or lost, and shall in such advertisement use any words purporting that no questions will be asked, or shall make use of any words in any public advertisement purporting that a reward will be given or paid for any property which shall have been stolen or lost, without seizing or making any enquiry after the person producing such property, or shall promise or offer in any such public advertisement to return to any pawnbroker or other person who may have bought or advanced money by way of loan upon any property stolen or lost, the money so paid or

admonish, or any other sum of money or reward for the return of such property, or if any person shall print or publish any such advertisement, in any of the above cases, every such person shall forfeit the sum of fifty pounds for every such offence, to any person who will sue for the same by action of debt, to be recovered with full costs of suit.

Penalty 50l.

LX. And be it enacted, That where the stealing or taking of any property whatsoever is by this Act punishable on summary conviction, either for every offence, or for the first and second offence only, or for the first offence only, any person who shall receive any such property, knowing the same to be unlawfully come by, shall on conviction thereof before a justice of the peace, be liable, for every first, second, or subsequent offence of receiving, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence of stealing or taking such property is by this Act made liable.

Receivers of property, where the original offence is punishable on summary conviction.

LXI. And be it enacted, That in the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable with death or otherwise, in the same manner as the principal in the first degree is by this act punishable; and every accessory after the fact to any felony punishable under this Act (except only a receiver of stolen property) shall on conviction be liable to be imprisoned for any term not exceeding two years; and every person, who shall aid, abet, counsel, or procure the commission of any misdemeanor punishable under

Principals in the second degree and accessories.

Abettors in misdemeanors.

this Act, shall be liable to be indicted and punished as a principal offender.

Abettors in offences punishable on summary conviction.

LXII. And be it enacted, That if any person shall aid, abet, counsel, or procure the commission of any offence which is by this Act punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, every such person shall, on conviction before a justice of the peace, be liable for every first, second, or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence, as a principal offender, is by this Act made liable.

Punishment.

A person in the act of committing any offence may be apprehended without a warrant.

LXIII. And, for the more effectual apprehension and discovery of all offenders punishable under this Act, be it enacted, That any person found committing any offence punishable, either upon indictment or upon summary conviction, by virtue of this Act, except only the offence of angling in the day-time, may be immediately apprehended without a warrant by any peace officer, or by the owner of the property on or with respect to which the offence shall be committed, or by his servant or any person authorized by him, and forthwith taken before some neighbouring justice of the peace, to be dealt with according to law; and if any credible witness shall prove, upon oath before a justice of the peace, a reasonable cause to suspect that any person has in his possession or on his premises any property whatsoever, on or with respect to which any such offence shall have been committed, the justice may grant a warrant to

A justice upon good grounds of suspicion proved on oath, may grant a search warrant.

search for such property, as in the case of stolen goods; and any person, to whom any property shall be offered to be sold, pawned, or delivered, if he shall have reasonable cause to suspect that any such offence has been committed on or with respect to such property, is hereby authorized, and, if in his power, is required to apprehend and forthwith to carry before a justice of the peace the party offering the same, together with such property, to be dealt with according to law.

Any person, to whom stolen property is offered, may seize the party offering it.

LXIV. And be it enacted, That the prosecution for every offence punishable on summary conviction under this Act shall be commenced within three calendar months after the commission of the offence, and not otherwise; and the evidence of the party aggrieved shall be admitted in proof of the offence, and also the evidence of any inhabitant of the county, riding, or division in which the offence shall have been committed, notwithstanding any penalty or forfeiture incurred by the offence may be payable to the general rate of such county, riding, or division.

Limitation as to summary proceedings.

Competency of witnesses.

LXV. And, for the more effectual prosecution of all offences punishable on summary conviction under this Act, be it enacted, That where any person shall be charged, on the oath of a credible witness, before any justice of the peace with any such offence, the justice may summon the person charged to appear at a time and place to be named in such summons, and if he shall not appear accordingly, then (upon proof of the due service of the summons upon such person, by delivering the same to him personally, or by

Mode of compelling the appearance of persons punishable on summary conviction.

leaving the same at his usual place of abode) the justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person, and bringing him before himself or some other justice of the peace, or the justice before whom the charge shall be made, may (if he shall so think fit), without any previous summons (unless where otherwise specially directed), issue such warrant, and the justice before whom the person charged shall appear or be brought shall proceed to hear and determine the case.

Application of forfeitures and penalties on summary convictions.

LXVI. And, with regard to the application of all forfeitures and penalties upon summary convictions under this Act, be it enacted, That every sum of money, which shall be forfeited for the value of any property stolen or taken, or for the amount of any injury done, (such value or amount to be assessed in each case by the convicting justice,) shall be paid to the party aggrieved, if known, except where such party shall have been examined in proof of the offence, and in that case, or where the party aggrieved is unknown, such sum shall be applied in the same manner as a penalty; and every sum which shall be imposed as a penalty by any justice of the peace, whether in addition to such value or amount, or otherwise, shall be paid to some one of the overseers of the poor, or to some other officer (as the justice may direct) of the parish, township, or place in which the offence shall have been committed, to be by such overseer or officer paid over to the use of the general rate of the county, riding, or division in which such parish, township, or place shall be situate, whe-

ther the same shall or shall not contribute to such general rate: Provided always, That where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the value of the property or to the amount of the injury, in every such case no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only; and the corresponding sum or sums forfeited by the other offender or offenders shall be applied in the same manner as any penalty imposed by a justice of the peace is herein-before directed to be applied.

Proviso.

LXVII. And be it enacted, That in every case of a summary conviction under this Act, where the sum which shall be forfeited for the value of the property stolen or taken, or for the amount of the injury done, or which shall be imposed as a penalty by the justice shall not be paid, either immediately after the conviction, or within such period as the justice shall, at the time of the conviction, appoint, it shall be lawful for the convicting justice (unless where otherwise specially directed) to commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the justice, for any term not exceeding two calendar months, where the amount of the sum forfeited, or of the penalty imposed, or of both, (as the case may be,) together with the costs shall not exceed five pounds; and for any term not exceeding four calendar months, where the amount with costs shall not exceed ten pounds;

If a person summarily convicted shall not pay, &c. the justice may commit him.

Scale of imprisonment

and for any term not exceeding six calendar months, in any other case; the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

Justice may discharge the offender in certain cases.

LXVIII. Provided always, and be it enacted, That where any person shall be summarily convicted before a justice of the peace of any offence against this Act, and it shall be a first conviction, it shall be lawful for the justice, if he shall so think fit, to discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved for damages and costs, or either of them, as shall be ascertained by the justice.

Pardon for nonpayment of money.

LXIX. And be it enacted, That it shall be lawful for the King's Majesty to extend his royal mercy to any person imprisoned by virtue of this Act, although he shall be imprisoned for nonpayment of money to some party other than the crown.

A summary conviction shall be a bar to any other proceeding for the same cause.

LXX. And be it enacted, That in case any person convicted of any offence punishable upon summary conviction by virtue of this Act, shall have paid the sum adjudged to be paid, together with costs, under such conviction, or shall have received a remission thereof from the crown, or shall have suffered the imprisonment awarded for nonpayment thereof, or the imprisonment adjudged in the first instance, or shall have been discharged from his conviction in the manner aforesaid, in every such case he shall be released from all further or other proceedings from the same cause.

Form of conviction.

LXXI. And be it enacted, That the justice before whom any person shall be convicted of any offence against this Act may cause the conviction to be drawn up in the following

form of words, or in any other form of words to the same effect, as the case shall require; *videlicet*,

"BE it Remembered, That on the
" Day of in the year
" of our Lord at
" in the County of , [*or* ri-
" ding, division, liberty, city, &c., *as*
" *the case may be*,] *A. O.* is convicted
" before me *J. P.*, one of his Majesty's
" Justices of the Peace for the said
" county [*or* riding, &c.], for that he
" the said *A. O.* did [*specify the offence*
" *and the time and place when and where*
" *the same was committed, as the case*
" *may be; and on a second conviction*
" *state the first conviction*]; and I, the
" said *J. P.* adjudge the said *A. O.* for
" his said offence to be imprisoned in
" the [*or* to be imprisoned
" in the and there kept
" to hard labour] for the space of
" [*or*, I adjudge the said *A. O.*
" for his said offence to forfeit and
" pay [*here state the pe-*
" *nalty actually imposed, or state the*
" *penalty, and also the value of the ar-*
" *ticles stolen, or the amount of the in-*
" *jury done, as the case may be*], and
" also to pay the sum of
" for costs, and in default of immediate
" payment of the said sums, to be im-
" prisoned in the [*or* to be
" imprisoned in the and
" there kept to hard labour] for the
" space of unless the said
" sums shall be sooner paid; [*or*, and

"I order that the said sums shall be "paid by the said *A. O.* on or before "the day of]; and I "direct that the said sum of "[i. e. the *penalty only*] shall be paid "to of aforesaid, "in which the said offence was com- "mitted, to be by him applied accord- "ing to the directions of the statute in "that case made and provided; [*or* "that the said sum of [i. e. "*the penalty*] shall be paid to, &c. "[*as before*], and that the said sum of "[i. e. *the value of the ar- "ticles stolen, or the amount of the in- "jury done*] shall be paid to *C. D.* [*the "party aggrieved, unless he is unknown "or has been examined in proof of the "offence, in which case state that fact, "and dispose of the whole like the pe- "nalty, as before*]; and I order that the "said sum of for costs shall "be paid to [*the Complainant*]. "Given under my hand and seal, the "day and year first above mentioned."

Appeal.

LXXII. And be it enacted, That in all cases where the sum adjudged to be paid on any summary conviction shall exceed five pounds, or the imprisonment adjudged shall exceed one calendar month, or the conviction shall take place before one justice only, any person, who shall think himself aggrieved by any such conviction, may appeal to the next court of general or quarter sessions, which shall be holden not less than twelve days after the day of such conviction, for the county,

riding, or division wherein the cause of complaint shall have arisen; provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or enter into a recognizance with two sufficient sureties, before a justice of the peace, conditioned personally to appear at the said sessions and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded; and upon such notice being given, and such recognizance being entered into, the justice, before whom the same shall be entered into, shall liberate such person if in custody; and the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the court shall seem meet; and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

Notice in writing.

Costs.

LXXIII. And be it enacted, That no such conviction or adjudication made on appeal therefrom shall be quashed for want of form, or be removed by certiorari or otherwise into any of his Majesty's superior courts of Record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been

No certiorari, &c.

Warrant of commitment, when defective.

convicted, and there be a good and valid conviction to sustain the same.

Convictions to be returned to the quarter sessions.

LXXIV. And be it enacted, That every justice of the peace, before whom any person shall be convicted of any offence against this Act, shall transmit the conviction to the next court of general or quarter sessions which shall be holden for the county or place wherein the offence shall have been committed, there to be kept by the proper officer among the records of the court; and upon any indictment or information against any person for a subsequent offence, a copy of such conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction shall be presumed to have been unappealed against, until the contrary be shewn.

How far evidence in future cases.

Venue, in proceedings against persons acting under this Act.

LXXV. And, for the protection of persons acting in the execution of this Act, be it enacted, That all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act shall be laid and tried in the county where the fact was committed, and shall be commenced within six calendar months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made be-

Notice of action.

General issue, &c.

fore such action brought, or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the judge before whom the trial shall be shall certify his approbation of the action, and of the verdict obtained thereupon.

This Act not to extend to Scotland or Ireland, except in two cases.

LXXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend to Scotland or Ireland, except as follows; (that is to say), that if any person, having stolen or otherwise feloniously taken any chattel, money, valuable security, or other property whatsoever, in any one part of the united kingdom, shall afterwards have the same property in his possession in any other part of the united kingdom, he may be dealt with, indicted, tried, and punished for larceny or theft in that part of the united kingdom where he shall so have such property, in the same manner as if he had actually stolen or taken it in that part; and if any person in any one part of the united kingdom shall receive or have any chattel, money, valuable security, or other property whatsoever, which shall have been stolen or otherwise feloniously taken in

any other part of the united kingdom, such person knowing the said property to have been stolen or otherwise feloniously taken, he may be dealt with, indicted, tried, and punished for such offence in that part of the united kingdom where he shall so receive or have the said property, in the same manner as if it had been originally stolen or taken in that part.

To extend to offences committed at sea.

LXXVII. And be it enacted, That where any felony or misdemeanor punishable under this Act, shall be committed within the jurisdiction of the Admiralty of England, the same shall be dealt with, enquired of, tried, and determined in the same manner as any other felony or misdemeanor committed within that jurisdiction.

7 & 8 GEO. IV. c. 30.

AN ACT

For Consolidating and Amending the Laws in England relative to Malicious Injuries to Property.

[21st June, 1827.]

WHEREAS various statutes now in force in that part of the united kingdom called England, relative to Malicious Injuries to property, are by an Act of the present session of Parliament repealed, from and after the last day of June in the present year, except as to offences committed before or upon that day; and it is expedient that the provisions contained in those statutes should be amended and consolidated into this Act, to take effect at the same time as the said repealing Act; Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That this Act shall commence on the first day of July in the present year.

Commencement of Act.

II. And be it enacted, That if any person shall unlawfully and maliciously set fire to any church or chapel, or to any chapel for the religious worship of persons dissenting from the

Setting fire to a church, chapel, house, or certain buildings.

united church of England and Ireland, duly registered or recorded, or shall unlawfully and maliciously set fire to any house, stable, coach-house, outhouse, warehouse, office, shop, mill, malthouse, hop-oast, barn, or granary, or to any building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender, or in the possession of any other person, with intent thereby to injure or defraud any person, every such offender shall be guilty of felony, and, being convicted thereof, shall suffer death as a felon.

Felony.

Destroying silk, woollen, linen, or cotton goods in the loom, &c., or any machinery belonging to those manufactures, &c.

III. And be it enacted, That if any person shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or to render useless, any goods or article of silk, woollen, linen, or cotton, or of any one or more of those materials mixed with each other, or mixed with any other material, or any framework-knitted piece, stocking, hose, or lace respectively, being in the loom or frame, or on any machine or engine, or on the rack or tenters, or in any stage, process, or progress of manufacture; or shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or to render useless, any warp or shute of silk, woollen, linen, or cotton, or of any one or more of those materials mixed with each other, or mixed with any other material, or any loom, frame, machine, engine, rack, tackle, or implement, whether fixed or moveable, prepared for or employed in carding, spinning, throwing, weaving, fulling, shearing, or otherwise manufacturing or preparing any such

goods or articles; or shall by force enter into any house, shop, building, or place, with intent to commit any of the offences aforesaid, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years; and, if a male, to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Felony.

Punishment.

IV. And be it enacted, That if any person shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or to render useless, any threshing machine, or any machine or engine, whether fixed or moveable, prepared for or employed in any manufacture whatsoever, (except the manufacture of silk, woollen, linen, or cotton goods, or goods of any one or more of those materials mixed with each other, or mixed with any other material, or any framework-knitted piece, stocking, hose, or lace,) every such offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years; and, if a male, to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Destroying threshing machines, or machinery in any other manufacture than the foregoing.

Felony.

Punishment.

V. And be it enacted, That if any person shall unlawfully and maliciously set fire to any mine of coal or cannel coal, every such offender shall be guilty of felony, and, being

Setting fire to a coal mine.

convicted thereof, shall suffer death as a felon.

Drowning any mine, or filling up any shaft, &c. with intent to destroy the mine.

VI. And be it enacted, That if any person shall unlawfully and maliciously cause any water to be conveyed into any mine, or into any subterraneous passage communicating therewith, with intent thereby to destroy or damage such mine, or to hinder or delay the working thereof, or shall, with the like intent, unlawfully and maliciously pull down, fill up, or obstruct any airway, waterway, drain, pit, level, or shaft of, or belonging to any mine, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years; and, if a male, to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment: Provided always, That this provision shall not extend to any damage committed under ground by any owner of any adjoining mine in working the same, or by any person duly employed in such working.

Proviso.

Destroying any engine, erection, &c. used in any mine.

VII. And be it enacted, That if any person shall unlawfully and maliciously pull down or destroy, or damage with intent to destroy or to render useless, any steam engine or other engine for sinking, draining, or working any mine, or any staith, building, or erection used in conducting the business of any mine, or any bridge, waggon-way, or trunk for conveying minerals from any mine, whether such engine, staith, building, erection, bridge, waggonway, or trunk be completed or in an unfinished

state, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable to any of the punishments which the court may award, as herein-before last mentioned.

Felony.

VIII. And be it enacted, That if any persons, riotously and tumultuously assembled together to the disturbance of the public peace, shall unlawfully and with force demolish, pull down, or destroy, or begin to demolish, pull down, or destroy, any church or chapel, or any chapel for the religious worship of persons dissenting from the united church of England and Ireland, duly registered or recorded, or any house, stable, coach-house, outhouse, warehouse, office, shop, mill, malt-house, hop oast, barn, or granary, or any building or erection used in carrying on any trade or manufacture, or any branch thereof, or any machinery, whether fixed or moveable, prepared for or employed in any manufacture, or in any branch thereof, or any steam engine or other engine for sinking, draining, or working any mine, or any staith, building, or erection used in conducting the business of any mine, or any bridge, waggonway, or trunk for conveying minerals from any mine, every such offender shall be guilty of felony, and, being convicted thereof, shall suffer death as a felon.

Rioters demolishing, &c. a church, chapel, house, or certain buildings, or any machinery in any manufactory or mine.

Felony.

IX. And be it enacted, That if any person shall unlawfully and maliciously set fire to, or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state, or shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel, with intent thereby to prejudice

Setting fire to or destroying a ship.

any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same, every such offender shall be guilty of felony, and, being convicted thereof, shall suffer death as a felon.

Felony.

Damaging a ship, otherwise than by fire.

X. And be it enacted, That if any person shall unlawfully and maliciously damage, otherwise than by fire, any ship or vessel, whether complete or in an unfinished state, with intent to destroy the same, or to render the same useless, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years; and, if a male, to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Felony.

Punishment.

Exhibiting false signals to a ship, &c.; destroying a shipwrecked vessel or cargo, &c.

XI. And be it enacted, That if any person shall exhibit any false light or signal, with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do any thing tending to the immediate loss or destruction of any ship or vessel in distress, or destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel, or shall by force prevent or impede any person endeavouring to save his life from such ship or vessel, (whether he shall be on board or shall have quitted the same,) every such offender shall be guilty of felony, and, being

Felony.

convicted thereof, shall suffer death as a felon.

XII. And be it enacted, That if any person shall unlawfully and maliciously break down or cut down any sea bank or sea wall, or the bank or wall of any river, canal, or marsh, whereby any lands shall be overflowed or damaged, or shall be in danger of being so, or shall unlawfully and maliciously throw down, level, or otherwise destroy any lock, sluice, floodgate, or other work on any navigable river or canal, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years; and if a male, to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment; and if any person shall unlawfully and maliciously cut off, draw up, or remove any piles, chalk, or other materials fixed in the ground and used for securing any sea bank or sea wall or the bank or wall of any river, canal, or marsh, or shall unlawfully and maliciously open or draw up any floodgate, or do any other injury or mischief to any navigable river or canal, with intent and so as thereby to obstruct or prevent the carrying on, completing, or maintaining the navigation thereof, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years; and, if a male, to

Destroying any sea bank, &c. or works on any river or canal.

Punishment.

Removing the piles of any sea bank, &c., or doing any damage to obstruct the navigation of a river or canal.

Felony.

Punishment.

be once, twice, or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Injury to a public bridge.

XIII. And be it enacted, That if any person shall unlawfully and maliciously pull down or in anywise destroy any public bridge, or do any injury with intent and so as thereby to render such bridge or any part thereof dangerous or impassable, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years; and, if a male, to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Felony.

Punishment.

Destroying a turnpike gate, toll house, &c.

XIV. And be it enacted, That if any person shall unlawfully and maliciously throw down, level, or otherwise destroy, in whole or in part, any turnpike gate, or any wall, chain, rail, post, bar, or other fence belonging to any turnpike gate, or set up or erected to prevent passengers passing by without paying any toll directed to be paid by any Act or Acts of Parliament relating thereto, or any house, building, or weighing engine erected for the better collection, ascertainment, or security of any such toll, every such offender shall be guilty of a misdemeanor, and, being convicted thereof, shall be punished accordingly.

Misdemeanor.

Breaking down the dam of a fishery, &c. or mill dam.

XV. And be it enacted, That if any person shall unlawfully and maliciously break down or otherwise destroy the dam of any fishpond, or of any water which shall be private property, or in which there shall be any private right of fishery, with intent thereby to take or

destroy any of the fish in such pond or water, or so as thereby to cause the loss or destruction of any of the fish, or shall unlawfully and maliciously put any lime or other noxious material in any such pond or water, with intent thereby to destroy any of the fish therein, or shall unlawfully and maliciously break down or otherwise destroy the dam of any mill-pond, every such offender shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years; and, if a male, to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Misdemeanor.

Punishment.

XVI. And be it enacted, That if any person shall unlawfully and maliciously kill, maim, or wound any cattle, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years; and, if a male, to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Killing or maiming cattle.

Felony.

Punishment.

XVII. And be it enacted, That if any person shall unlawfully and maliciously set fire to any stack of corn, grain, pulse, straw, hay, or wood, every such offender shall be guilty of felony, and, being convicted thereof, shall suffer death as a felon; and if any person shall unlawfully and maliciously set fire to any crop of corn, grain, or pulse, whether

Setting fire to a stack of corn, grain, straw, hay, &c. The like to certain crops, plantations, and heath.

standing or cut down, or be any part of a wood, coppice, or plantation of trees, or to any heath, gorze, furze, or fern, wheresoever the same may be growing, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years; and, if a male, to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Felony.

Punishment.

Destroying hopbinds.

XVIII. And be it enacted, That if any person shall unlawfully and maliciously cut or otherwise destroy any hopbinds growing on poles in any plantation of hops, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years; and, if a male, to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment.

Felony.

Punishment.

Destroying or damaging trees, shrubs, &c. growing in certain situations, shall be felony, if the value exceed 1*l.*

XIX. And be it enacted, That if any person shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, or shrub, or any underwood respectively growing in any park, pleasure ground, garden, orchard, or avenue, or in any ground adjoining or belonging to any dwelling house, every such offender (in case the amount of the injury done shall exceed the sum of one pound) shall be guilty of felony, and, being

convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years; and, if a male, to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit), in addition to such imprisonment; and if any person shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, or shrub, or any underwood, respectively growing elsewhere than in any of the situations herein before mentioned, every such offender (in case the amount of the injury done shall exceed the sum of five pounds) shall be guilty of felony, and, being convicted thereof, shall be liable to any of the punishments which the court may award for the felony herein before last mentioned.

Punishment.

The like to trees, shrubs, &c. growing elsewhere, shall be felony, if the value exceeds 5*l.*

Punishment.

XX. And be it enacted, That if any person shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, or shrub, or any underwood, wheresoever the same may be respectively growing, the injury done being to the amount of one shilling at the least, every such offender, being convicted before a justice of the peace, shall for the first offence forfeit and pay over and above the amount of the injury done, such sum of money, not exceeding five pounds, as to the justice shall seem meet; and if any person so convicted shall afterwards be guilty of any of

Destroying or damaging trees, shrubs, &c., wheresoever growing, and of any value above 1*s.*, punishable on summary conviction for first and second offence; third offence, felony.*

* See *post*, s. 32, 33, respecting the application of forfeitures and penalties upon summary convictions, and the power of justice to commit in default of payment.

the said offences, and shall be convicted thereof in like manner, every such offender shall for such second offence be committed to the common gaol or house of correction, there to be kept to hard labour for such term not exceeding twelve calendar months, as the convicting justice shall think fit; and if such second conviction shall take place before two justices, they may further order the offender, if a male, to be once or twice publicly or privately whipped, after the expiration of four days from the time of such conviction; and if any person so twice convicted shall afterwards commit any of the said offences, such offender shall be deemed guilty of felony and, being convicted thereof, shall be liable to any of the punishments which the court may award for the felony herein-before last mentioned.

Destroying, &c., any fruit or vegetable production in a garden, &c., punishable on summary conviction for first offence; second offence, felony.*

XXI. And be it enacted, That if any person shall unlawfully and maliciously destroy, or damage with intent to destroy, any plant, root, fruit, or vegetable production, growing in any garden, orchard, nursery ground, hothouse, greenhouse, or conservatory, every such offender, being convicted thereof before a justice of the peace, shall at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six calendar months, or else shall forfeit and pay over and above the amount of the injury done, such sum of money, not

* See *post*, s. 32, 33, respecting the application of forfeitures and penalties upon summary convictions, and the power of justice to commit in default of payment.

exceeding twenty pounds, as to the justice shall seem meet; and if any person so convicted, shall afterwards commit any of the said offences, such offender shall be deemed guilty of felony, and, being convicted thereof, shall be liable to any of the punishments which the court may award for the felony herein-before last mentioned.

Destroying, &c., vegetable productions not growing in gardens, &c.*

XXII. And be it enacted, That if any person shall unlawfully and maliciously destroy, or damage with intent to destroy, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or inclosed, not being a garden, orchard, or nursery ground, every such offender, being convicted thereof before a justice of the peace, shall, at the discretion of the justices, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned or kept to hard labour, for any term not exceeding one calendar month, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding twenty shillings, as to the justice shall seem meet; and in default of payment thereof, together with the costs, if ordered, shall be committed as aforesaid for any term not exceeding one calendar month, unless payment be sooner made; and if any person so convicted shall afterwards be guilty of any of the

Punishment.

* See *post*, s. 32, 33, respecting the application of forfeitures and penalties upon summary convictions, and the power of justice to commit in default of payment.

said offences, and shall be convicted thereof in like manner, every such offender shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term, not exceeding six calendar months, as the convicting justice shall think fit; and if such subsequent conviction shall take place before two justices, they may further order the offender, if a male, to be once or twice publicly or privately whipped, after the expiration of four days from the time of such conviction.

Destroying, &c. any fence, wall, stile, or gate.*

XXIII. And be it enacted, That if any person shall unlawfully and maliciously cut, break, throw down, or in anywise destroy any fence of any description whatsoever, or any wall, stile, or gate, or any part thereof respectively, every such offender, being convicted before a justice of the peace, shall for the first offence forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding five pounds, as to the justice shall seem meet; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term, not exceeding twelve calendar months, as the convicting justice shall think fit; and if such subsequent conviction shall take place before two justices, they may further order the offender, if a

* See *post*, s. 32, 33, respecting the application of forfeitures and penalties upon summary convictions and the power of justice to commit in default of payment.

male, to be once or twice publicly or privately whipped, after the expiration of four days from the time of such conviction.

XXIV. And be it enacted, That if any person shall wilfully or maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, for which no remedy or punishment is herein-before provided, every such person, being convicted thereof before a justice of the peace, shall forfeit and pay such sum of money as shall appear to the justice to be a reasonable compensation for the damage, injury, or spoil so committed, not exceeding the sum of five pounds; which sum of money shall, in the case of private property, be paid to the party aggrieved, except where such party shall have been examined in proof of the offence; and in such case, or in the case of property of a public nature, or wherein any public right is concerned, the money shall be applied in such manner as every penalty imposed by a justice of the peace under this Act is hereinafter directed to be applied; and if such sum of money, together with costs (if ordered), shall not be paid immediately after the conviction, or within such period as the justice shall at the time of the conviction appoint, the justice may commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, as the justice shall think fit, for any term not exceeding two calendar months, unless such sum and costs be sooner paid: Provided always, That nothing herein contained shall extend to any

Persons committing damage to any property, in any case not previously provided for, may be compelled by a justice to pay compensation not exceeding 5*l.*

Application of the money awarded, see *post*, s. 32.

To what cases this section does not extend.

case where the party trespassing acted under a fair and reasonable supposition that he had a right to do the act complained of, nor to any trespass, not being wilful and malicious, committed in hunting, fishing, or in the pursuit of game; but that every such trespass shall be punishable in the same manner as before the passing of this Act.

Malice against the owner not essential to any offence under this Act.

XXV. And be it enacted, That every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, whether the same be punishable upon indictment or upon summary conviction, shall equally apply and be enforced, whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed, or otherwise.

Principals in the second degree, and accessories.

XXVI. And be it enacted, That in the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable with death or otherwise, in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall, on conviction, be liable to be imprisoned for any term not exceeding two years; and every person who shall aid, abet, counsel, or procure the commission of any misdemeanor, punishable under this Act, shall be liable to be indicted and punished as a principal offender.

Punishment.

Abettors in misdemeanors.

The court may, for all offences within this Act, order hard labour or solitary confinement.

XXVII. And be it enacted, That where any person shall be convicted of any indictable offence punishable under this Act, for which imprisonment may be awarded, it shall

be lawful for the court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment, or of such imprisonment with hard labour, as to the court in its discretion shall seem meet.

Persons in the act of committing any offence may be apprehended without a warrant.

XXVIII. And, for the more effectual apprehension of all offenders against this Act, be it enacted, That any person found committing any offence against this Act, whether the same be punishable upon indictment or upon summary conviction, may be immediately apprehended, without a warrant, by any peace officer, or the owner of the property injured, or his servant, or any person authorized by him, and forthwith taken before some neighbouring justice of the peace, to be dealt with according to law.

Limitation as to summary proceedings.

XXIX. And be it enacted, That the prosecution for every offence punishable on summary conviction under this Act shall be commenced within three calendar months after the commission of the offence, and not otherwise; and the evidence of the party aggrieved shall be admitted in proof of the offence, and also the evidence of any inhabitant of the county, riding, or division in which the offence shall have been committed, notwithstanding any forfeiture or penalty incurred by the offence may be payable to the general rate of such county, riding, or division.

Competency of witnesses.

Mode of compelling the appearance of persons punishable on summary conviction.

XXX. And, for the more effectual prosecution of all offences punishable on summary

conviction under this Act, be it enacted, That where any person shall be charged on the oath of a credible witness before any justice of the peace with any such offence, the justice may summon the person charged to appear at a time and place to be named in such summons; and if he shall not appear accordingly, then (upon proof of the due service of the summons upon such person, by delivering the same to him personally, or by leaving the same at his usual place of abode), the justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person and bringing him before himself or some other justice of the peace; or the justice before whom the charge shall be made may (if he shall so think fit), without any previous summons (unless where otherwise specially directed), issue such warrant; and the justice, before whom the person charged shall appear or be brought, shall proceed to hear and determine the case.

Abettors in offences punishable on summary conviction.

XXXI. And be it enacted, That where any offence is by this Act punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, any person who shall aid, abet, counsel, or procure the commission of such offence, shall on conviction before a justice of the peace, be liable, for every first, second, or subsequent offence, of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence as a principal offender is by this Act made liable.

XXXII. And with regard to the application of all forfeitures and penalties upon summary convictions under this Act, be it enacted, That every sum of money which shall be forfeited for the amount of any injury done (such amount to be assessed in each case by the convicting justice) shall be paid to the party aggrieved, if known, except where such party shall have been examined in proof of the offence, and in that case, or where the party aggrieved is unknown, such sum shall be applied in the same manner as a penalty; and every sum which shall be imposed as a penalty by any justice of the peace, whether in addition to such amount or otherwise, shall be paid to some one of the overseers of the poor, or to some other officer (as the justice may direct) of the parish, township, or place in which the offence shall have been committed, to be by such overseer or officer, paid over to the use of the general rate of the county, riding, or division in which such parish, township, or place shall be situate, whether the same shall or shall not contribute to such general rate: Provided always, That where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only; and the corresponding sum or sums forfeited by the other offender or offenders shall be applied in the same manner as any penalty imposed by a justice of the peace is herein-before directed to be applied.

Application of forfeitures and penalties upon summary convictions.

Where there are several joined in commission of same offence.

If a person summarily convicted shall not pay, &c., the justice may commit him.

XXXIII. And be it enacted, That in every case of a summary conviction under this Act, where the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the justice, shall not be paid, either immediately after the conviction, or within such period as the justice shall, at the time of the conviction, appoint, it shall be lawful for the convicting justice (unless where otherwise specially directed) to commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the justice, for any term not exceeding two calendar months, where the amount of the sum forfeited, or of the penalty imposed, or of both (as the case may be), together with the costs, shall not exceed five pounds; and for any term not exceeding four calendar months, where the amount, with costs, shall not exceed ten pounds; and for any term not exceeding six calendar months in any other case; the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

Scale of imprisonment.

The justice may discharge the offender in certain cases.

XXXIV. Provided always, and be it enacted, That where any person shall be summarily convicted before a justice of the peace of any offence against this Act, and it shall be a first conviction, it shall be lawful for the justice, if he shall so think fit, to discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved, for damages and costs, or either of them, as shall be ascertained by the justice.

Pardon for nonpayment of money.

XXXV. And be it enacted, That it shall be

lawful for the King's Majesty to extend his royal mercy to any person imprisoned by virtue of this Act, although he shall be imprisoned for nonpayment of money to some party other than the crown.

A summary conviction shall be a bar to any other proceeding for the same cause.

XXXVI. And be it enacted, That in case any person convicted of any offence punishable upon summary conviction by virtue of this Act shall have paid the sum adjudged to be paid, together with costs, under such conviction, or shall have received a remission thereof from the crown, or shall have suffered the imprisonment awarded for nonpayment thereof, or the imprisonment adjudged in the first instance, or shall have been discharged from his conviction in the manner aforesaid, in every such case he shall be released from all further or other proceedings for the same cause.

Form of conviction.

XXXVII. And be it enacted, That the justice before whom any person shall be convicted of any offence against this Act may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case shall require; *videlicet*,

"BE it Remembered, that on the
"day of . . . in the year of our
"Lord . . . at
"in the county of . . . [*or*
"riding, division, liberty, city, &c., *as*
"*the case may be*], *A. O.* is convicted
"before me *J. P.* one of his Majesty's
"justices of the peace for the said
"county [*or* riding, &c.], for that he
"the said *A. O.* did [*specify the offence*,

" *and the time and place when and*
" *where the same was committed, as the*
" *case may be; and on a second convic-*
" *tion, state the first conviction*]; and I
" the said *J. P.* adjudge the said *A. O.*
" for his said offence to be imprisoned
" in the . [*or* to be imprisoned
" in the and there kept to hard
" labour] for the space of
" [*or*, I adjudge the said *A. O.* for his
" said offence to forfeit and pay
" . [*here state the penalty actually*
" *imposed, or state the penalty and also*
" *the amount of the injury done, as the*
" *case may be*], and also to pay the sum
" of . for costs; and in de-
" fault of immediate payment of the
" said sums, to be imprisoned in the
" [*or* to be imprisoned in
" the . and there kept to
" hard labour] for the space of
" unless the said sums shall be
" sooner paid; [*or*, and I order that
" the said sums shall be paid by the
" said *A. O.* on or before the
" day of]; and I direct that
" the said sum of [i. e. *the*
" *penalty only*] shall be paid to
" of . aforesaid, in which the
" said offence was committed, to be
" by him applied according to the di-
" rections of the statute in that case
" made and provided; [*or* that the said
" sum of . . [i. e. *the penalty*]
" shall be paid to, &c., *as before*], and
" that the said sum of [i. e.
" *the sum for the amount of injury done*]

"shall be paid to *C. D.* [*the party aggrieved, unless he is unknown or has been examined in proof the offence, in which case state that fact, and dispose of the whole like the penalty, as before*]; and I order, that the said sum of for costs shall be paid to [*the complainant*]. Given under my hand and seal, the day and year first above mentioned."

XXXVIII. And be it enacted, That in all cases where the sum adjudged to be paid on any summary conviction shall exceed five pounds, or the imprisonment adjudged shall exceed one calendar month, or the conviction shall take place before one justice only, any person, who shall think himself aggrieved by any such conviction, may appeal to the next court of general or quarter sessions, which shall be holden not less than twelve days after the day of such conviction, for the county, riding, or division wherein the cause of complaint shall have arisen; provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or enter into a recognizance with two sufficient sureties before a justice of the peace, conditioned personally to appear at the said sessions and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded; and upon such notice being given, and such recogni-

Appeal.

Notice in writing to be given.

Costs.

zance being entered into, the justice before whom the same shall be entered into shall liberate such person if in custody; and the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the court shall seem meet; and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

No certiorari, &c.

XXXIX. And be it enacted, That no such conviction, or adjudication made on appeal therefrom, shall be quashed for want of form, or be removed by certiorari or otherwise into any of his Majesty's superior courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Warrant of commitment, when not void.

Convictions to be returned to the quarter sessions.

XL. And be it enacted, That every justice of the peace, before whom any person shall be convicted of any offence against this Act, shall transmit the conviction to the next court of general or quarter sessions which shall be holden for the county or place wherein the offence shall have been committed, there to be kept by the proper officer among the records of the court; and upon any indictment or information against any person for a subsequent offence, a copy of such conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former

How far evidence in future cases.

offence, and the conviction shall be presumed to have been unappealed against until the contrary be shewn.

XLI. And, for the protection of persons acting in the execution of this Act, be it enacted, That all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act shall be laid and tried in the county where the fact was committed, and shall be commenced within six calendar months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the judge before whom the trial shall be shall

Venue in proceedings against persons acting under this Act.

Notice of action.

General issue, &c.

Tender of amends.

Costs in case of verdict for defendant.

Costs in case of verdict for plaintiff.

certify his approbation of the action, and of the verdict obtained thereupon.

Not to extend to Scotland or Ireland.

XLII. Provided always, and be it enacted, That nothing in this act contained shall extend to Scotland or Ireland.

To extend to offences committed at sea.

XLIII. And be it enacted, That where any felony or misdemeanor punishable under this Act shall be committed within the jurisdiction of the Admiralty of England, the same shall be dealt with, inquired of, tried, and determined in the same manner as any other felony or misdemeanor committed within that jurisdiction.

7 & 8 GEO. 4. c. 31.

AN ACT

For consolidating and amending the Laws in England, relative to Remedies against the Hundred.

[21 June, 1827.]

WHEREAS it is expedient that the several statutes now in force in that part of the united kingdom called England, relative to Remedies against the Hundred for the damage occasioned by persons riotously and tumultuously assembled, should be amended, and consolidated into one Act; and with that view the said statutes are, by an Act of the present Session of Parliament, repealed, from and after the last day of June in the present year, except as to offences and other matters committed or done before or upon that day: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, Commencement of Act.

That this Act shall commence on the first day of July in the present year.

The hundred shall make full compensation for the damage done by rioters in certain cases.

II. And be it enacted, That if any church or chapel, or any chapel for the religious worship of persons dissenting from the united church of England and Ireland, duly registered or recorded, or any house, stable, coach-house, outhouse, warehouse, office, shop, mill, malt-house, hop oast, barn, or granary, or any building or erection used in carrying on any trade or manufacture, or branch thereof, or any machinery, whether fixed or moveable, prepared for or employed in any manufacture, or in any branch thereof, or any steam engine or other engine for sinking, draining, or working any mine, or any staith, building, or erection used in conducting the business of any mine, or any bridge, waggon-way, or trunk for conveying minerals from any mine, shall be feloniously demolished, pulled down, or destroyed, wholly or in part, by any persons riotously and tumultuously assembled together, in every such case the inhabitants of the hundred, wapentake, ward, or other district in the nature of a hundred, by whatever name it shall be denominated, in which any of the said offences shall be committed, shall be liable to yield full compensation to the person or persons damnified by the offence, not only for the damage so done to any of the subjects herein-before enumerated but also for any damage which may at the same time be done by any such offenders to any fixture, furniture, or goods whatever, in any such church, chapel, house, or other of the buildings or erections aforesaid.

III. Provided always, and be it enacted, That no action or summary proceeding, as herein-after mentioned, shall be maintainable by virtue of this Act, for the damage caused by any of the said offences, unless the person or persons damnified, or such of them as shall have knowledge of the circumstances of the offence, or the servant or servants who had the care of the property damaged, shall within seven days after the commission of the offence go before some justice of the peace residing near and having jurisdiction over the place where the offence shall have been committed, and shall state upon oath before such justice the names of the offenders if known, and shall submit to the examination of such justice touching the circumstances of the offence, and become bound by recognizance before him to prosecute the offenders when apprehended: Provided also, That no person shall be enabled to bring any such action, unless he shall commence the same within three calendar months after the commission of the offence.

Party damnified to comply with certain conditions.

Limitation of time for actions.

IV. And be it enacted, That no process for appearance in any action to be brought by virtue of this Act against any hundred or other like district shall be served on any inhabitant thereof, except on the high constable or some one of the high constables (if there be more than one), who shall within seven days after such service give notice thereof to two justices of the peace of the county, riding, or division in which such hundred or district shall be situate, residing in or acting for the hundred or district; and such high constable is hereby empowered to cause to be entered an appearance in the said action, and also to defend the

Process in the action against the hundred to be served on the high constable, who may defend, or let judgment go by default, as advised.

same on behalf of the inhabitants of the hundred or district, as he shall be advised; or, instead of defending the same, it shall be lawful for him, with the consent and approbation of such justices, to suffer judgment to go by default; and the person upon whom, as high constable, the process in the action shall be served, shall, notwithstanding the expiration of his office, continue to act for all the purposes of this Act until the termination of all proceedings in and consequent upon such action; but if such person shall die before such termination, the succeeding high constable shall act in his stead.

High constable to continue to act, notwithstanding expiration of office.

Inhabitants of the hundred competent witnesses.

V. And be it enacted, That in any action to be brought by virtue of this Act against the inhabitants of any hundred or other like district, or against the inhabitants of any county of a city or town, or of any such liberty, franchise, city, town, or place, as is herein-after mentioned, no inhabitant thereof shall, by reason of any interest arising from such inhabitancy, be exempted or precluded from giving evidence either for the plaintiff or for the defendants.

If plaintiff recovers, the sheriff, on receipt of the writ of execution, shall make out a warrant directing the treasurer of the county to pay the amount.

VI. And be it enacted, That wherever the plaintiff in any such action shall recover judgment, whether after verdict or by default or otherwise, no writ of execution shall be executed on any inhabitant of the hundred or other like district, nor on such high constable; but the sheriff, upon the receipt of the writ of execution, shall (on payment of the fee of five shillings and no more) make his warrant to the treasurer of the county, riding, or division in which such hundred or other like district shall be situate, commanding him to pay to the

plaintiff the sum by the said writ directed to be levied; and such treasurer is hereby required to pay the same, as also any other sum ordered to be paid by him by virtue of this Act, out of any public money which shall then be in his hands, or shall come into his hands before the next general or quarter sessions of the peace for the said county, riding, or division; and if there be not sufficient money for that purpose before such sessions, he shall give notice thereof to the justices of the peace at such sessions, who shall proceed in the manner hereinafter mentioned.

Mode of reimbursing the high constable for his expences in defending the action, &c.

VII. And, for the purpose of indemnifying the high constable and the county treasurer, be it enacted, That if such high constable of the hundred or other district sued shall produce and prove before any two justices of the peace of the county, riding, or division, residing in or acting for such hundred or district, an account of the just and necessary expences which he shall have incurred in consequence of any such action as aforesaid, such justices shall make an order for the payment thereof upon the treasurer of the county, riding, or division in which such hundred or district shall be situate; and if in any such action judgment shall be given against the plaintiff, the high constable shall in like manner be reimbursed for the just and necessary expences by him incurred in consequence of such action, over and above the taxed costs to be paid by the plaintiff in such case; and if it shall be proved to any two such justices that the plaintiff in the action is insolvent, so that the high constable can have no relief as to such taxed costs, such justices shall make an

order upon the treasurer of the county, riding, or division as aforesaid, for the payment of the amount of such taxed costs; and the justices of the peace at the next general or quarter sessions of the peace to be holden for any such county, riding, or division, or any adjournment thereof, shall direct such sum or sums of money as shall have been paid or ordered to be paid by the treasurer by virtue of any such warrant or order as herein before mentioned, to be raised on the hundred or other like district against the inhabitants of which any such action shall have been brought, over and above the general rate to be paid by such hundred or district in common with the rest of the county, riding, or division, under the Acts relating to county rates; and such sum or sums shall be raised in the manner directed by those Acts, and shall be forthwith paid over to the treasurer.

Reimbursing the county treasurer.

Mode of proceeding in cases where the damage does not exceed 30*l.*

VIII. And whereas it is expedient to provide a summary mode of proceeding where the damage is of small amount; be it therefore enacted, That it shall not be lawful for any person to commence any action against the inhabitants of any hundred or other like district, where the damage alleged to have been sustained by reason of any of the offences in this Act mentioned shall not exceed the sum of thirty pounds, but the party damnified shall, within seven days after the commission of the offence, give a notice in writing of his claim for compensation, according to the form in the schedule hereunto annexed, to the high constable or some one of the high constables (if there be more than one) of the hundred or other like district in which the offence shall

Notice in writing of claim.

have been committed; and such high constable shall, within seven days after the receipt of the notice, exhibit the same to some two justices of the peace of the county, riding, or division in which such hundred or district shall be situate, residing in or acting for such hundred or district, and they shall thereupon appoint a special petty session of all the justices of the peace of the county, riding, or division, acting for such hundred or district, to be holden within not less than twenty nor more than thirty days next after the exhibition of such notice, for the purpose of hearing and determining any claim which may be then and there brought before them on account of any such damage; and such high constable shall, within three days after such appointment, give notice in writing to the claimant, of the day and hour and place appointed for holding such petty session, and shall within ten days give the like notice to all the justices acting for such hundred or district; and the claimant is hereby required to cause a notice in writing, in the form in the schedule hereunto annexed, to be placed on the church or chapel door, or other conspicuous part of the parish, township, or place in which such damage shall have been sustained, on two Sundays preceding the day of holding such petty session.

Special petty session to be appointed.

Notice to be placed in church, &c.

IX. And be it enacted, That it shall be lawful for the justices, not being less than two, at such petty session or any adjournment thereof, to hear and examine upon oath or affirmation the claimant, and any of the inhabitants of the hundred or other like district, and their several witnesses, concerning any

Such cases to be settled by the justices at a special petty sessions.

such offence, and the damage sustained thereby; and thereupon the said justices, or the major part of them, if they shall find that the claimant has sustained any damage by means of any such offence, shall make an order for payment of the amount of such damage to him, together with his reasonable costs and charges, and also an order for payment of the costs and charges (if any) of the high constable or inhabitants, and shall direct such order or orders to the treasurer of the county, riding, or division in which such hundred or district shall be situate, who shall pay the same to the party or parties therein named, and shall be reimbursed for the same in the manner herein-before directed.

Justices may make order for payment of damage and costs.

Penalty on high constable for neglect.

X. And be it enacted, That if any high constable shall refuse or neglect to exhibit or give notice as is required in any of the cases aforesaid, it shall be lawful for the party damnified to sue him for the amount of the damage sustained, such amount to be recovered by an action on the case, together with full costs of suit.

Proceeding in case of damage to a church or chapel.

XI. And be it enacted, That every action or summary claim to recover compensation for the damage caused to any church or chapel by any of the offences in this Act mentioned, shall be brought in the name of the rector, vicar, or curate of such church or chapel, or in case there be no rector, vicar, or curate, then in the names of the church or chapelwardens, if there be any such, and if not, in the name or names of any one or more of the persons in whom the property of such chapel may be vested; and the amount recovered in any such case shall be applied in the rebuilding or

repairing such church or chapel; and where any of the offences in this Act mentioned shall be committed on any property belonging to a body corporate, such body may recover compensation against the hundred or other like district, in the same manner, and subject to the same conditions as any person damnified is by this Act enabled to do: Provided always, That the several conditions which are herein-before required to be performed by or on behalf of any person damnified, may, in the case of a body corporate, be performed by any officer of such body on behalf thereof.

In case of damage to property belonging to a corporation.

XII. And whereas the offences for which compensation is granted by virtue of this Act may be committed in counties of cities and towns, or in such liberties, franchises, cities, towns, and places, as either do not contribute at all to the payment of any county rate, or contribute thereto, but not as being part of any hundred or other like district; and it is expedient to provide for all such cases; be it therefore enacted, That where any of the offences in this Act mentioned shall be committed in a county of a city or town, or in any such liberty, franchise, city, town, or place, the inhabitants thereof shall be liable to yield compensation in the same manner, and under the same conditions and restrictions in all respects, as the inhabitants of the hundred; and every thing in this Act in anywise relating to a hundred, or to the inhabitants thereof, shall equally apply to every county of a city or town, and to every such liberty, franchise, city, town, and place, and to the inhabitants thereof; and where the justices of the peace of the county, riding, or division are excluded

Where the damage is committed in any county of a city, &c., or in any liberty, &c., which is not within any hundred, or does not contribute to the county rate, such county, liberty, &c., shall be liable like the hundred.

from holding jurisdiction in any such liberty, franchise, city, town, or place, in every such case all the powers, authorities, and duties by this Act given to or imposed on such justices, shall be exercised and performed by the justices of the peace of the liberty, franchise, city, town, or place in which the offence shall be committed; and where the offence shall be committed in a county of a city or town, all the like powers, authorities, and duties shall be exercised and performed by the justices of the peace of such county of a city or town; and in every action to be brought or summary claim to be preferred under this Act against the inhabitants of a county of a city or town, or of any such liberty, franchise, city, town, or place, the process for appearance in the action, and the notice required in the case of the claim, shall be served upon some one peace officer of such county, liberty, franchise, city, town, or place; and all matters which by this Act the high constable of a hundred is authorized or required to do in either of such cases, shall be done by the peace officer so served, who shall have the same powers, rights, and remedies as such high constable has by virtue of this Act, and shall be subject to the same liabilities; and shall, notwithstanding the expiration of his office, continue to act for all the purposes of this Act until the termination of all proceedings in and consequent upon such action or claim; but if he should die before such termination, his successor shall act in his stead.

Provision for executing writs in certain places.

XIII. And, for securing the due execution of writs in the Cinque Ports, and in places where writs are directed to other officers than

the sheriff, and in liberties where the sheriff is not warranted in executing writs; be it enacted, That all other such officers to whom any writ of execution under this Act shall be directed, by whatsoever name they shall be known, shall have the same power of granting a warrant for payment of the sum by such writ directed to be levied as is hereby given to the sheriff in case of a writ of execution directed to him; and that every sheriff and other such officer as aforesaid shall have authority to grant his warrant under this Act, notwithstanding the offence shall have been committed in, or the treasurer or other person to whom such warrant shall be directed shall reside or be in, any liberty where the sheriff or officer is not warranted in executing writs.

Sheriff to grant warrant notwithstanding offence committed in liberty.

XIV. And as to the mode of payment and reimbursement under this Act in such liberties, franchises, cities, towns, and places as contribute to the payment of the county rate, but not as being part of any hundred, be it enacted, That the warrant of the sheriff or other officer upon any writ of execution against the inhabitants of any such liberty, franchise, city, town, or place, and every order of justices for payment to the party damnified therein, or to the peace officer or inhabitants thereof, by virtue of this Act, shall be directed to the treasurer of the county, riding, or division in which such liberty, franchise, city, town, or place shall be situate, who is hereby required to pay the same; and the justices of the peace of such county, riding, or division, at their next general or quarter sessions of the peace, or any adjournment thereof, shall direct such

Mode of reimbursement in liberties, cities, and towns not within any hundred, but contributing to the county rate.

sum or sums of money as shall have been so paid or ordered to be paid by the treasurer to be raised on such liberty, franchise, city, town, or place, over and above the general rate to be paid by the same in common with the rest of the county, riding, or division, under the Acts relating to county rates, and such sum or sums shall be raised in the manner directed by those Acts, and shall be forthwith paid over to the treasurer.

Mode of reimbursement in counties of cities, and in liberties, cities, and towns not contributing to any county rate.

XV. And as to the mode of payment and reimbursement under this Act in counties of cities and towns, and in such liberties, franchises, cities, towns, and places as do not contribute to the payment of the general county rate; be it enacted, That all sums of money payable either by virtue of any warrant of the sheriff or other officer, or of any order or orders arising out of any action or summary claim against the inhabitants of any county of a city or town, or of any such liberty, franchise, city, town, or place, shall be paid out of the rate (if any) in the nature of a county rate, or out of any fund applicable to similar purposes, where there is such a rate or fund therein, by the treasurer or other officer having the collection or disbursement of such rate or fund; and where there is no such rate or fund in such county, liberty, franchise, city, town, or place, the same shall be paid out of the rate or fund for the relief of the poor of the particular parish, township, district, or precinct therein, where the offence was committed, by the overseers or other officers having the collection or disbursement of such last-mentioned rate or fund; and in every

such case the warrant and orders shall be directed and delivered to such treasurer, overseers, or other officers respectively, instead of the treasurer of the county, riding, or division, as the case may require.

XVI. Provided always, and be it enacted, That nothing herein contained shall extend to Scotland or Ireland. This Act not to extend to Scotland or Ireland.

SCHEDULE.

FORM of NOTICE to the High Constable of a Hundred or other like district, or to the peace officer of a county of a city or town, or of a liberty, franchise city, town, or place.

To the High Constable [*or* to one of the high constables] of, &c, [*or* to a peace officer of, &c.]

I HEREBY give you Notice, That I intend to claim compensation from the inhabitants of [*here specify the hundred or other like district or county of a city, &c., or liberty, franchise, &c., as the case may be*], on account of the damage which I have sustained by means of [*here state the offence, the time and place where it was committed, and the nature and amount of the damage*]; and I hereby require you, within seven days after your receipt of this notice, to exhibit the same to some two justices of the peace of the county, [riding, or division] of residing in or acting for the said

hundred, &c. [*or if in a liberty, franchise, &c. where the justices of the county, riding, or division have no jurisdiction, then say,* to some two justices of the peace of, [*naming the liberty, franchise, &c.*], *or if in a county of a city, &c. then say,* to some two justices of the peace of, *naming the county of the city, &c.*], in order that they may appoint a time and place for holding a special petty session to hear and determine my claim for compensation by virtue of an Act passed in the seventh and eighth years of the reign of King George the Fourth, intituled "An Act for consolidating "and amending the Laws in England relative "to Remedies against the Hundred;" and you are required to give me notice of the day, hour, and place appointed for holding such petty session within three days after the justices shall have appointed the same. Given under my hand this day of in the year of our Lord

(Signed) A. B.

FORM of NOTICE to be placed on the church or chapel door or other conspicuous part of the parish, township, or place (*as the case may be*).

I HEREBY give Notice, That I shall apply for compensation to the justices of the peace at a special petty sessions to be holden at on the day of next, at the hour of in the forenoon, on ac-

count of the damage which I have sustained by means of [*here state the offence, the time and place where it was committed, and the nature and amount of the damage, in the same manner as in the preceding form.*] Given under my hand this day of in the year of our Lord

(Signed) *A. B.*

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7 & 8 G. 4. c. 18. p. 30
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1 & 2 Ph. & M. c. 13.
2 & 3 Ph. & M. c. 10.
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3 Ed. 1. c. 15. so much as provides what persons shall not be replevisable, and what shall be so.
7 H. 5. c.

* Except so far as any of the said acts relate to *Scotland* or *Ireland*, or repeal the whole or any part of any other acts, and except as to offences committed before the passing of the act. (26 May, 1826.)

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9 H. 5. c. 1. so much as relates to indictments and appeals laid in a non-existing place.
18 H. 6. c. 12. so much as perpetuates the said provision of the statute last referred to.
23 H. 6. c. 9. so much as relates to sheriffs and other officers and ministers therein mentioned, letting out of prison upon sureties, any person in custody upon indictment.
1 R. 3. c. 3.
3 H. 7. c. 3. so much as relates to bail or main-prize.
25 H. 8. c. 3.
32 H. 8. c. 3. so much as perpetuates the last-mentioned act.
2 & 3 Ed. 6. c. 24.
5 & 6 Ed. 6. c. 10.
1 & 2 P. & M. c. 13.
2 & 3 P. & M. c. 10.
4 W. & M. c. 8.
10 & 11 W. 3. c. 23. so much as relates to certificates therein mentioned.
1 Anne, St. 2. c. 9. s. 1. so much as relates to accessories.
6 Anne, (Vulgo 5 Anne) c. 31. except the special provision affecting the sheriffs and under sheriffs of London and Middlesex.
6 G. 1. c. 23.
25 G. 2. c. 36. (s. 11.) so much as relates to payments to prosecutors in cases of felony.
27 G. 2. c. 3. (s. 3.) so much as relates to the allowance of compensation to poor persons appearing on recognizance to give evidence against one accused of felony.
18 G. 3. c. 19. (s. 7, 8.) so much as relates to payments and allowances to prosecutors and other persons appearing on recognizance or subpœna, to give evidence as to any felony, and to rules and regulations touching the costs and charges to be allowed to such prosecutors and persons.
43 G. 3. c. 59. (s. 3.) so much as relates to laying the property in the surveyor of county bridges in any indictment.
43 G. 3. c. 113. (s. 5.) so much as relates to the trial of accessories xcept the special provisions therein contained as to accessories before the fact in murder.

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repealed by 7 G. 4. c. 64. s. 32. p. 24.
56 G. 3. c. 73.
58 G. 3. c. 70 except so much thereof as relates to disorderly houses.
59 G. 3. c. 27.
59 G. 3. c. 96.
1 G. 4. c. 102.
3 G. 4. c. 38. so much as provides that accessories before the fact may be indicted for a misdemeanor.
3 G. 4. c. 126. (s. 60.) so much as relates to stating, in any indictment, any things to be the property of the clerk to the trustees or commissioners, as therein mentioned.
6 G. 4. c. 56.
repealed * by 7 & 8 G. 4. c. 27 p. 33.
9 H. 3. st. 2. c. 10. so much as relates to the punishment for taking the king's venison.
3 Ed. 1. c. 2. (s. 20.) so much as relates to clerks taken for, guilty of felony, and to trespasses on parks and ponds.
13 Ed. 1. st. 1. c. 46. so much as ordains that the towns near adjoining shall be distrained to levy at their own cost, a hedge or dyke overthrown, and to yield damages.
13 Ed. 1. st. 2. except so much thereof as forbids fairs and markets being kept in church-yards.
21 Ed. 1. st. 2.
1 Ed. 3. st. 1. c. 8. so much as relates to trespasses in the king's forests of vert and venison.
25 Ed. 3. st. 6. (vulgo st. 3. c. 4, 5. so much as relates to clerks convicted of treasons or felonies, and to the arraignment of clerks.
28 Ed. 3. c. 11. so much as relates to making cry and fresh suit, and to hundreds, and franchises being answerable, as therein-mentioned.
34 Ed. 3. c. 22.
37 Ed. 3. c. 19. so much as relates to hawks.

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* Except so far as any of the said acts repeal the whole or any part of any other acts, and except as to offences committed before or on the last day of June, 1827; and by s. 2, it is declared not to repeal such part of any act as relates to the post office, or to any branch of the public revenue, or to the naval, military, victualling, or other public stores of His Majesty, his heirs, &c., except the acts of 31 Eliz. & 22 Car. 2. or shall affect or alter any acts relating to Bank of England or South Sea Company.

STATUTES.—*continued.*
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8 H. 6. c. 12. (s. 3.) so much as relates to the offences of stealing, taking away, withdrawing, or avoiding any record, or other like thing therein mentioned.
33 H. 6. c. 1. so much as relates to servants taking and spoiling the goods of their masters after their death.
1 H. 7. c. 7.
4 H. 7. c. 13.
21 H. 8. c. 7.
21 H. 8. c. 11.
23 H. 8. c. 1.
23 H. 8. c. 11.
31 H. 8. c. 2.
33 H. 8. c. 1.
34 & 35 H. 8. c. 14.
35 H. 8. c. 17.
37 H. 8. c. 6.
37 H. 8. c. 8. (s. 2.) so much as relates to persons stealing any horse, gelding, mare, foal or filley.
1 Ed. 6. c. 12. (s. 10. 14.) so much as relates to housebreaking, robbing, horse-stealing, and sacrilege, and to the allowance of the benefit of clergy, in any case therein mentioned.
2 & 3 Ed. 6. c. 33.
5 & 6 Ed. 6. c. 9.
4 & 5 P. & M. c. 4. so much as relates to accessories to any robbery or burning therein mentioned.
5 Eliz. c. 10.
5 Eliz. c. 21.
8 Eliz. c. 4.
13 Eliz. c. 25. (s. 3. 18, 19.) so much as alters and perpetuates the Act of the 35 H. 8.
18 Eliz. c. 7. so much as relates to burglary, and to persons admitted to the benefit of clergy.
27 Eliz. c. 13.
31 Eliz. c. 4.
31 Eliz. c. 12. (s. 5.) so much as enacts that all accessories to horse-stealing shall be deprived of the benefit of clergy.
39 Eliz. c. 15.
43 Eliz. c. 7.
43 Eliz. c. 13.

STATUTES.—*continued.*
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2 Jac. 1. c. 27. so much as relates to house-doves, pigeons, and deer.
3 Jac. 1. c. 13.
7 Jac. 1. c. 13.
15 Car. 2. c 2.
22 Car. 2. c. 5.
22 & 23 Car. 2. c. 7.
22 & 23 Car. 2. c. 11. (s. 12.) so much as relates to the wilful destruction of any ship by any of the persons belonging to it, as therein mentioned.
22 & 23 Car. 2. c. 25 (except s. 1 to 3.) so far as relates to all subjects therein mentioned, except the appointment and powers of game-keepers, search warrants, and the description of persons, who are thereby declared to be persons not allowed to have or keep for themselves, or any other person, any guns, bows, greyhounds, or other animals or things therein enumerated.
3 W. & M. c. 9.
4 W. & M. c. 23. so much as relates to pigeons and fish, and to persons wrongfully fishing, and to all instruments and engines for destroying fish, and to the burning of any grig, ling, heath, furze, goss, or fern.
4 W. & M. c. 24. s. 13. so much as explains the said recited act of the third year of the same reign.
10 W. 3. c. 12. (vulgo 10 & 11 W. 3. c. 23.) except so much thereof as relates to fees for discharging recognizances and drawing bills of indictment and to defective bills of indictment.
1 Ann, st. 2. c. 9. except so much thereof as relates to witnesses on behalf of the prisoner, upon any trial for treason or felony.
6 Ann, c. 9. (vulgo 5 Ann, c. 6.)
12 Ann, st. 1. c. 7.
13 Ann, c. 21. (vulgo 12 Ann, st. 2. c. 18.) (s. 4 & 5.) so much as relates to any person upon whom any goods stolen or carried off from any vessel in distress shall be found, and to the several offences touching vessels in distress, which are thereby made capital felonies.
1 G. 1. st. 2. c. 5. s. 4. & 6. so much as relates to any rioters demolishing or pulling down, or beginning to demolish or pull down any of the

STATUTES.—*continued.*
repealed by 7 & 8 G. 4. c. 27. p. 33
buildings therein mentioned, and to the liability of the inhabitants of the hundred, city, or town in which the damage shall be done to yield damages to the party injured.
1 G. 1. st. 2. c. 48.
4 G. 1. c. 11. except so much thereof as relates to the trial of piracy, felony, or robbery committed within the Admiralty jurisdiction.
5 G. 1. c. 28.
6 G. 1. c. 16.
9 G. 1. c. 22.
2 G. 2. c. 25. (s. 3.) so much as relates to the stealing or taking by robbery any orders or other securities therein enumerated.
4 G. 2. c. 32.
6 G. 2. c. 37.
8 G. 2. c. 16.
c. 20.
10 G. 2. c. 32. except so much thereof as relates to wild fowl.
11 G. 2. c. 22. (s. 5. to the end) so much as relates to the liability of the inhabitants of hundreds.
13 G. 2. c. 21.
14 G. 2. c. 6.
15 G. 2. c. 34.
22 G. 2. c. 24.
c. 46. (s. 34.) so much as relates to writs of execution against the inhabitants of hundreds, and the proceedings thereupon.
24 G. 2. c. 45.
25 G. 2. c. 10.
c. 36. (s. 1.) so much as relates to the advertisements therein prohibited.
26 G. 2. c. 19. (s. 1, 2, 3, 4 & 8.) so much as relates to any of the felonies therein mentioned, and to search-warrants, and to property belonging to any vessel lost, stranded, or cast on shore, being found in any place, or in the possession of any person, and to any person offering or exposing to sale any such property as therein respectively mentioned.
28 G. 2. c. 19. (s. 3.) so much as relates to persons burning or destroying goss, furze, or fern in forests or chaces.
29 G. 2. c. 30.
29 G. 2. c. 36. (s. 6, 7, 8, 9.) so much as relates

STATUTES.—*continued.*
repealed by 7 & 8 G. 4. c. 27. p. 33
to the remedy for the recovery of damages against the inhabitants of the adjoining parishes, towns, hamlets, villages, or places, and to the punishment of the several offences relating to trees, and to the explanation respecting the three acts of King George the First, as therein respectively mentioned.
30 G. 2. c. 24. (s. 1.) so much as relates to obtaining by false pretence or pretences, any property as therein mentioned.
31 G. 2. c. 35.
2 G. 3. c. 29.
4 G. 3. c. 12.
4 G. 3. c. 31.
5 G. 3. c. 14.
6 G. 3. c. 36.
6 G. 3. c. 48.
9 G. 3. c. 29.
9 G. 3. c. 41.
10 G. 3. c. 18.
10 G. 3. c. 48.
13 G. 3. c. 31. (s. 4 & 5.) as relates to the prosecution and punishment of persons for theft or larceny, and for recovery, or having any stolen property, as therein mentioned.
13 G. 3. c. 32.
13 G. 3. c. 33.
16 G. 3. c. 30.
19 G. 3. c. 74. except so much thereof as relates to the judges' lodgings.
21 G. 3. c. 68.
21 G. 3. c. 69.
22 G. 3. c. 58.
31 G. 3. c. 35.
31 G. 3. c. 51.
33 G. 3. c. 67. so much as relates to persons who shall wilfully and maliciously set fire to or destroy, or damage otherwise than by fire, any ship, keel, or other vessel.
36 G. 3. c. 9. (s. 3. to end.) so much as relates to the liability of the inhabitants of hundreds.
39 G. 3. c. 85.
39 & 40 G. 3. c. 77. (s. 1 & 5.) so much as declares what persons shall be deemed and adjudged to be guilty of a misdemeanor, and as relates to any person who shall steal or take away or break, destroy, damage, or embezzle any article not exceeding the value of 5s. as therein mentioned, or shall break, destroy, or

STATUTES.—*continued.*
repealed by 7 & 8. G. 4, c. 27. p. 33
damage any waggon, cart, or other carriage, as therein mentioned.
41 G. 3. c. 24. (U. K.)
42 G. 3. c. 67.
42 G. 3. c. 107.
43 G. 3. c. 58. (part of s. 1.) so much as relates to the setting fire to any of the buildings therein enumerated.
43 G. 3. c. 113. except so much thereof as specially relates to accessories before the fact in murder and to manslaughter.
44 G. 3. c. 92. (s. 7, 8.) so much as relates to the prosecution and punishment of persons for theft or larceny, and for receiving or having any stolen property, as therein mentioned.
45 G. 3. c. 66.
48 G. 3. c. 129.
48 G. 3. c. 144.
51 G. 3. c. 41.
51 G. 3. c. 120.
52 G. 3. c. 63.
52 G. 3. c. 64.
52 G. 3. c. 130.
53 G. 3. c. 162. so much as relates to the punishment of larceny.
53 G. 3. c. 125.
57 G. 3. c. 19. (s. 38.) so much as relates to the liability of the inhabitants of the city, town, or hundred, to yield compensation to the party injured, as therein mentioned.
1 G. 4. c. 56.
1 G. 4. c. 115. except so much thereof as relates to the offences made capital by the Act of Queen Elizabeth therein mentioned.
1 G. 4. c. 117.
3 G. 4. c. 24.
3 G. 4. c. 33.
3 G. 4. c. 38. except so far as relates to manslaughter.
3 G. 4. c. 114. so much as relates to the punishment for receiving stolen goods, and for obtaining any property as therein mentioned, by false pretences.
3 G. 4. c. 126. (s. 128.) so much as creates any felony.
4 G. 4. c. 46. except so far as relates to the felonies created by the acts of the 27 G. 2. and 3 G. 3. therein recited.

STATUTES.—*continued.*
repealed by 7 & 8 G. 4. c. 27. p. 33.
4 G. 4. c. 53. except so far as relates to any person convicted of stealing or smuggling his Majesty's ammunition, sails, cordage, or naval or military stores, or of being accessory to any such offence.
4 G. 4. c. 54. except so far as relates to any person who shall send or deliver any letter or writing threatening to kill or murder or to burn or destroy as therein mentioned, or shall be accessory to any such offence or shall forcibly rescue any person being lawfully in custody for any such offence.
6 G. 4. c. 19.
6 G. 4. c. 94 (s. 7, 8. 9, & 10.) so much as relates to any misdemeanor therein mentioned.
7 G. 4. c. 69.
STABLE. See tit. "FELONY, SETTING FIRE."
STEALING
goods &c. from any vessel, &c. See tit. "VESSEL."
to amount of 10*s*. during process of manufacture. See tit. "MANUFACTURE."
STOLEN PROPERTY.
owner of, prosecuting thief or receiver to conviction, in what case he shall have restitution of his property, 7 & 8 G. 4. c. 29. s. 57. p. 101
in what not, id. ibid.
taking a reward for helping to recovery of, without bringing offender to trial, felony, id. s. 58. p. 102
punishment for, id. ibid.
advertising or printing advertisement offering reward for return of, and purporting that no questions will be asked &c. penalty 50*l*. id. s. 59. p. 102, 3
party offering, may be apprehended, 7 & 8 G. 4. c. 29. s. 63. p. 104
STRAW. See tit. "SETTING FIRE."
SUMMARY CONVICTION. See tit. "CONVICTION."

TENANT. See tit. "HOUSE."
TENANT IN COMMON.
describing property of. See tit. "INDICTMENT."
TESTAMENTARY INSTRUMENT. See tit. "WILL."
THRESHING MACHINE. See tit. "FELONY."
TOWN. See tit. "HUNDRED."
TREASON. See tit. "TRIAL."
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effect of plea of not guilty to, 7 & 8 G. 4. c. 28. s. 1. p. 62
refusal to plead to, id. s. 2. p. 62, 3
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TREASURER OF COUNTY. See tit. "HUNDRED."
order upon for payment of expences of prosecutions, 7 G. 4. c. 64. s. 24. p. 17, 18
TREE. See tit. "GARDEN."
TRIAL.
for criminal offences, 7 & 8 G. 4. c. 28. s. 1. p. 62
plea of not guilty without further form shall put prisoner on his trial, in cases of treason, id. ibid.
felony, id. ibid.
piracy, id. ibid.
if prisoner stand mute, or refuse to plead, court may order plea of not guilty to be entered in cases of treason, id. ibid.
felony, id. ibid.
piracy, id. ibid.
misdemeanor, id. ibid.
every peremptory challenge of jury beyond the number allowed by law, shall be void in cases of treason, id. ibid.
felony, id. ibid.
piracy, id. ibid.
jury shall not be charged to inquire of prisoner's lands, &c. nor whether he fled in case of treason, id. ibid.
felony, id. ibid.
of offences committed on boundaries of counties, 7 G. 4. c. 64. s. 12. p. 9
during a journey or voyage, id. s. 13. p. 9, 10
TRUSTEE. See tit. "EMBEZZLEMENT, INDICTMENT."
TURNPIKE GATE.
injury to turnpike gate, or any wall, chain, &c. belonging thereto, or any house, &c. erected for collection of toll, misdemeanor, 7 & 8 G. 4. c. 30. s. 14. p. 122
punishment, id. ibid.
TURNPIKE ROAD.
how property of trustees of, to be described in indictment or information, 7 G. 4. c. 64. s. 17. p. 12, 13
UNDERWOOD. See tit. GARDEN.
VALUABLE SECURITY.
to include any tally, order or other security entitling or evidencing title to any share, &c. in any public stock, &c. or in any fund of any body corporate, &c. or to any deposit, in Saving Banks 7 & 8 G. 4. c. 29. s. 5. p. 71
debenture
deed
bond
bill
note
warrant
order or other security
} for money or payment of money, id. ibid.
warrant or order for delivery or transfer of goods, &c. id. ibid.

VEGETABLE PRODUCTION. See tit. "GARDEN."
Stealing or destroying, &c. any cultivated root or plant used for food of man or beast, or for medicine, or for distilling, dyeing, or in the course of manufacture, and growing in land *not being* a garden, orchard, or nursery ground, 7 & 8 G. 4. c. 29. s. 43. p. 91, 2
first offence imprisonment not exceeding one calendar month, or penalty not exceeding 20*s*. over and above value of articles, &c. and in default of payment imprisonment not exceeding one calendar month, unless, &c. id. ibid.
second offence imprisonment, not exceeding six calendar months, and whipping, id. ibid.
destroying or damaging, &c. any cultivated root or plant, &c. (as above with same punishment), 7 & 8 G. 4. c. 30 s. 22. p. 127, 8

VENISON. See tit. "DEER."

VENUE.
in proceedings against persons acting under. 7 & 8 G. 4. c. 29, 30. See 7 & 8 G. 4. c. 29. s. 75. p. 112, 13 c. 30. s. 41. p. 139

VERDICT.
what defects shall not vitiate indictment or stay or reverse judgment after verdict, 7 G. 4. c. 64. s. 20. 21. p. 14, 15

VESSEL.
punishment for stealing goods or merchandize from, in a port, river, or canal, &c., 7 & 8 G. 4. c. 29. s. 17. p. 75.6

VOYAGE.
offences committed on property during, may be tried in any county through which the vessel, &c. passed, 7 G. 4. c. 64. s. 13. p. 9,10

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WAGGON.
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WAREHOUSE. See tit. "FELONY—SETTING FIRE."
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WARRANT.
party in the act of committing offence may be apprehended without, 7 & 8 G. 4. c. 22. s. 63. p. 104— c. 30. s. 28. p. 131

WARRANT of ATTORRNEY. See tit. "RECORDS."

WARREN. See tit. "HARE."

WILL.
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provisions of stat. 7 & 8 G. 4. c. 29. not to lessen remedy, which aggrieved now has, id. s. 24. p. 79, 80
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on charge of felony and misdemeanor, to be bound by recognizance to appear at trial, 7 & 8 G. 4. c. 64. s. 2, 3. p. 2, 3, 4
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WOOD. See tit. "SETTING FIRE."
WOODWORK. See tit. "FIXTURES."
WOOLLEN GOODS. See tit. "MANUFACTURE."
WRECK.
punishment for plundering any part of tackle or cargo of shipwrecked vessel, 7 & 8 G. 4. c. 29. s. 18. p. 76
when offender may be prosecuted for simple larceny, id. ibid.
where offence may be tried, id. ibid.
liabilities of persons in possession of shipwrecked goods, found by virtue of search warrant, not giving satisfactory account thereof, id. s. 19. p. 76, 7
shipwrecked goods offered for sale may be seized, id. s. 20. p. 77
notice to be given to justice of peace, - id. ibid.
party offended to be summoned, - - id. ibid.
liability of, if possession not satisfactorily accounted for, id. ibid.
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WRITINGS.
relating to real estates.
parties stealing, guilty of misdemeanor, 7 & 8 G. 4. c. 29. s. 23. p. 79
punishment, id. ibid.
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provisions of stat. 7 & 8 G. 4. c. 29. not to lessen remedy, which party aggrieved now has, id. s. 24. p. 79, 80

THE END.